

ORIGINAL

UNITED STATES
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

DOCKET NO: 50-456 OL
50-457 OL

COMMONWEALTH EDISON COMPANY

(Braidwood Station, Units 1 and 2)

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of: :
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COMMONWEALTH EDISON COMPANY : Docket No. 50-456 OL
:
:
(Braidwood Station, Units 1 :
and 2) :
:
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Will County Court House
Courtroom #405
14 West Jefferson Street
Joliet, Illinois 60431

Wednesday, March 12, 1986

The hearing in the above-entitled matter reconvened
at 9:00 A. M.

BEFORE:

JUDGE HERBERT GROSSMAN, Chairman
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C.

JUDGE RICHARD F. COLE, Member,
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C.

JUDGE A. DIXON CALLIHAN, Member,
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
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JANA S. FAIROW

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1 JUDGE GROSSMAN: Good morning, ladies and
2 gentlemen.

3 The third day of hearing on the emergency planning
4 of Braidwood is now before us.

5 We ended the second day with Ms. Rorem cross
6 examining Applicant's panel of witnesses, and that panel
7 is still on now, and Ms. Rorem may continue with her
8 examination.

9 MS. ROREM: Thank you.

10 BY MS. ROREM:

11 Q Mr. Butterfield, could you please explain what the
12 monitoring system is at the plant and offsite in terms
13 of numbers, first of all?

14 A (WITNESS BUTTERFIELD) Do you mean numbers of systems
15 and number of detectors?

16 Q Number of detectors, please.

17 A (WITNESS BUTTERFIELD) I am sorry. I don't know the
18 number of detectors.

19 Q Okay. So you don't know at how many locations outside
20 of the plant boundaries they may be?

21 A (WITNESS BUTTERFIELD) The Braidwood Annex to the GSEP
22 indicates the locations of the various kinds of
23 detectors we have, including the continuous air monitors
24 and the thermoluminescent dosimeters and other items
25 such as that that we have in the vicinity.

1 I can refer to that and count them for you --

2 Q Okay.

3 A (WITNESS BUTTERFIELD) -- but they were in the GSEP
4 Annex.

5 Q Okay. Could you tell me whether these are stationary,
6 whether all parts of these systems are stationary?

7 A (WITNESS BUTTERFIELD) The question is the systems that
8 are described in the Annex are stationary.

9 They are permanently installed.

10 They may change; but when they change, we then
11 inform the government through normal channels that we
12 have changed their location.

13 So that every six months to a year, this program is
14 updated or may be updated, but they are fixed in
15 position and do not move from day-to-day or week to
16 week.

17 Q All right. Do the monitors themselves move? In other
18 words, do they monitor from one direction only, do they
19 change directions and monitor from different directions,
20 and do they rotate or something so or do they monitor
21 all directions at the same time?

22 MR. EDGAR: Objection on the grounds of
23 relevance.

24 I hate to see any nexus between these questions and
25 any contention that's been admitted here.

1 MS. ROREM: I would like to point out that
2 it's important to understand how -- which way a
3 radioactive plume may be traveling in order to
4 effectively evacuate school buses and recreational
5 areas, and to tell these people which directions to go
6 or how to change direction in the course of an ongoing
7 accident.

8 JUDGE GROSSMAN: Okay. To the extent, then,
9 that you are able to tie this in to the special
10 facilities, we will allow questions.

11 MS. ROREM: Thank you.

12 A (WITNESS BUTTERFIELD) The continuous air monitors pull
13 what is considered to be a representative air sample
14 from the area, so it would be direction independent.

15 The thermoluminescent dosimeters, which are simply
16 radiation-measuring devices, solid state
17 radiation-measuring devices, would also see the
18 representative area and would not be -- would be set up
19 not to be particularly direction dependent, so they
20 would be independent of direction.

21 BY MS. ROREM:

22 Q So -- so evaluating how the direction of a plume may be
23 changing is dependent upon looking not just at an
24 individual monitor, but at a system of monitors; is this
25 correct?

1 A (WITNESS BUTTERFIELD) We do not -- no, it is not
2 correct.

3 We do not depend upon these systems to tell us
4 where the plume is traveling during the course of
5 ascent.

6 In the first place, we have continuous monitoring
7 systems to determine -- to determine wind conditions,
8 speed and direction. That's why we have the
9 environmental towers at all of our towers.

10 Both the State of Illinois and Commonwealth Edison
11 will send personnel out into the field, during the
12 course of an accident, to monitor for radioactivity, to
13 take samples and to pull air samples.

14 Part of this evaluation will determine the plume
15 location.

16 If we assume a change in the wind conditions or
17 wind direction, then they would be expected to expand
18 their area of surveying, so that they can see if, in
19 fact, the plume is going somewhere.

20 Q But the wind monitor is at the plant?

21 A (WITNESS BUTTERFIELD) Yes, ma'am.

22 Q Is the wind -- are the wind conditions ever different
23 five or ten miles from the plant than they are at the
24 plant?

25 A (WITNESS BUTTERFIELD) In terms of speed, they may be

1 subject to some local terrain conditions; but, in
2 general, the winds are not unique in one location close
3 to another one or nearby.

4 Q So you have modeled this plan on an assumption that the
5 wind direction at the center that -- of the EPZ -- that
6 is, at the plant site -- determines that the conditions
7 will be consistent throughout the EPZ?

8 A (WITNESS BUTTERFIELD) Yes.

9 Q Could you please explain what meteorological basis you
10 have for that?

11 MR. EDGAR: Objection.

12 We are now getting into a totally different subject
13 matter.

14 JUDGE GROSSMAN: Sustained.

15 MS. ROREM: I don't believe it is a different
16 subject matter, because I need to know how they can --
17 if the -- if the wind changes in one part of the EPZ,
18 you will -- but not at the plant, you will not have any
19 indication of that, will you?

20 JUDGE GROSSMAN: Excuse me.

21 Ms. Rorem, why is this relevant to the special
22 facilities? Is there something peculiar about the
23 special facilities?

24 It appears as though you are trying to attack the
25 entire plan.

1 MS. ROREM: Excuse me. I am not.

2 The specific thing I am concerned about is changing
3 buses -- changing directions on buses which may have no
4 radio capability, and whether or not these people will
5 know if they don't have an escape ability, are these --
6 are they -- are they -- all right.

7 Even if they do have radio capability, if the
8 people determining which direction they are to evacuate
9 are not aware of wind changes, will they be sending
10 school buses through a contaminated area?

11 JUDGE GROSSMAN: Ms. Rorem, what difference
12 does it make whether they are school buses or any other
13 bus or any other vehicle?

14 If the determination is made at the plant, it's the
15 same for every vehicle evacuating residents of that
16 zone.

17 There is nothing peculiar about the buses as to the
18 location where the determination is made as to wind
19 direction.

20 In other words, there may be some difference with
21 regard to communication with buses and with vehicles
22 that ordinarily carry radios, but as to where the
23 determination is made of the wind's direction, there
24 isn't any difference, as far as I see.

25 If you can tell me otherwise, maybe we will allow

1 some questions; but I can't see that you are doing
2 anything but attacking the plan in general rather than
3 anything related to the special facilities.

4 So why don't you ask another question; but the
5 objection to that prior one is sustained.

6 MR. EDGAR: Thank you.

7 MS. ROREM: Could I ask some procedural
8 questions?

9 JUDGE GROSSMAN: Certainly.

10 MS. ROREM: I understand what it is you are
11 saying; but I don't understand why questions must be
12 restricted simply -- since the -- because of the way the
13 question -- the Contention is phrased, I don't
14 understand why I am limited to only asking about things
15 that are unique to the evacuation of those facilities.

16 JUDGE GROSSMAN: And the reason is, we are
17 not trying to deprive you of your day in court.

18 As to any matter that you might have wanted to
19 raise with regard to emergency planning, that meets the
20 Commission's requirements as far as contentions; but it
21 is late in the day now, and there was a certain time and
22 certain times in which you were to apprise the other
23 parties of the matters that were to be heard at the
24 hearing; and what you are doing now is raising something
25 that they could not reasonably anticipate, from what you

1 have filed, would be heard; and it would be unfair to
2 them and unfair to the Board to have everyone sit here
3 and discuss what you might think are legitimate issues,
4 and perhaps are, but are not part of the case.

5 The case has already been delimited.

6 MS. ROREM: I understand that.

7 But I -- but I feel that the way the Contention
8 reads, it -- it leaves that open.

9 Because discovery took place last April, before
10 there ever was a plan, it was -- my answers to discovery
11 were very vague because I didn't have the plan.

12 If -- but I felt that Contention 1(b) was accepted
13 in its entirety earlier on and that, you know, that I
14 wasn't required to do offer of proof on -- on 1(b).

15 JUDGE GROSSMAN: Yes, but other things have
16 occurred since the Contention was accepted, and one of
17 those things was a requirement for prefilng testimony;
18 and you have prefled nothing, so that, really, the
19 subject matters that you ought to be examining on now
20 are the material facts that you stated in your offer of
21 proof, or matters actually raised in the pref'ed
22 testimony by the other sides -- that is, Staff and
23 Applicants -- or matters that would reasonably be
24 anticipated would be the subject of your cross
25 examination; in other words, things that are so directly

1 related to 1(b) that Applicant and staff could
2 reasonably anticipate should be the subject matter of
3 their prefiled testimony and would be the subject matter
4 of your cross examination.

5 Otherwise, you haven't put them on notice.

6 They are not prescient, where they can read your
7 mind, and they should have a reasonable notice as to the
8 subject matter that would be heard.

9 MS. ROREM: So you are objecting because I --
10 you are sustaining the objection --

11 JUDGE GROSSMAN: I am sustaining the
12 objection.

13 MS. ROREM: -- because I -- because I have
14 not let them know what the specific concern is, but not
15 because the subject matter is not unique to the special
16 facilities?

17 JUDGE GROSSMAN: No, that's not exactly
18 correct.

19 MS. ROREM: Okay.

20 JUDGE GROSSMAN: To the extent that these
21 matters are unique to the special facilities, they,
22 perhaps, could anticipate that this would be the subject
23 of your examination, both cross examination and,
24 perhaps, rebuttal.

25 But to the extent that it is a general area --

1 well, there are a number of objections; but to the
2 extent that they could anticipate that it would be the
3 subject matter of your examination, they are on notice.

4 Now, if the topic is also not related to the
5 special facilities, it may be outside the contentions
6 that you have; but if you could fit it under Contention
7 1(b), then perhaps it would fit under that Contention;
8 but, nevertheless, then you would have just the notice
9 problem.

10 MS. ROREM: Okay. I know it's late in the
11 day for this, and obviously it won't apply to me.

12 How should I -- should I have prefiled something?

13 JUDGE GROSSMAN: Well, certainly, the other
14 parties are as entitled to know what your case is as you
15 are entitled to know what their cases are, and they
16 prefiled the testimony and indicated what their case is.

17 Now, the deadline for filing the prefiled testimony
18 was only about two weeks ago or two-and-a-half weeks
19 ago; and to the extent that you have subject matter now
20 you wish to raise, you could have prepared two weeks
21 earlier and then put them on notice.

22 MS. ROREM: But would I have done this, in
23 terms of these are things that I wish to know, because I
24 don't consider that testimony.

25 I'm sorry, I don't understand the terminology.

1 JUDGE GROSSMAN: Well --

2 MS. ROREM: In other words --

3 JUDGE GROSSMAN: Well, if the matters are so
4 directly related to the Contention as one would
5 reasonably anticipate would be covered in testimony
6 offered on that Contention, speaking of Contention
7 1(b) --

8 MS. ROREM: Uh-huh.

9 JUDGE GROSSMAN: -- then I think the parties
10 were on notice that that subject matter would be
11 inquired into --

12 MS. ROREM: Well --

13 JUDGE GROSSMAN: -- and may examine on that.

14 But they are entitled to whatever notice you were
15 entitled to; and if they don't have notice or they can't
16 reasonably anticipate that the matters would be covered,
17 then those matters are not proper for hearing now.

18 You may proceed.

19 MS. ROREM: Okay.

20 JUDGE GROSSMAN: If you wish to take a few
21 minutes now.

22 MS. ROREM: No.

23 JUDGE GROSSMAN: Okay. Fine.

24 MS. ROREM: I -- I guess I see it as being
25 directly related, and I don't understand why it's not.

1 If I see -- I see that, in order to evacuate school
2 children, recreational areas and so forth, it is
3 important to understand the entire idea of how decisions
4 are made about where -- where evacuation needs to take
5 place and which direction those people need to evacuate.

6 That depends upon the monitoring system; and it
7 also is an important aspect of it, to change directions
8 if -- if the winds changes.

9 I know that is not specifically particular to those
10 facilities, but in order -- the way the Contention
11 reads, I don't see where I am limited to only the issues
12 that are specific to those particular institutions.

13 MR. EDGAR: The Contention reads, "In terms
14 of assurance that institutions can be evacuated or
15 adequately protected."

16 It's plain -- Ms. Rorem mentioned her discovery.
17 The fact is she never updated it.

18 If she had other things in mind, that would have
19 been one vehicle for putting us on notice.

20 But she is trying to go into the whole monitoring
21 program, which is a subject totally apart.

22 MS. ROREM: I'm going to get into the
23 monitoring program only to the extent that it is an
24 important part of the decision making on evacuation for
25 sheltering.

1 JUDGE GROSSMAN: In this case, we are running
2 both afoul of the Contention requirement and the Notice
3 requirement, because what you are raising now is not
4 particular to the special facilities. It applies
5 equally to any kind of evacuation; and, therefore, does
6 not really fit under this Contention.

7 MS. ROREM: Even though it is part of
8 evacuating those special facilities?

9 JUDGE GROSSMAN: Yes, because it's attacking
10 the general provision for determining wind direction,
11 which applies equally to school buses and to other
12 vehicles evacuating persons from the zone.

13 There is nothing peculiar to the special facilities
14 with regard to any suggested defect in the plan.

15 In other words, Ms. Rorem, we are not going to
16 allow you to attack the entire plan because of alleged
17 deficiencies in the plan that could also affect school
18 buses.

19 The entire plan, if there are any deficiencies,
20 would affect school buses as well as any other vehicle,
21 which, under your interpretation, means that everything
22 is subject to attack, notwithstanding that your
23 contentions are not phrased that way.

24 MS. ROREM: My Contention says, "Intervenor
25 contends that an adequate emergency plan for the

1 Braidwood Station should include the following:

2 B, an assurance that institutions within 10 miles
3 of the station, such as nursing homes, can be" -- there
4 were other things -- "can be evacuated or adequately
5 protected in the event of a radiological emergency."

6 I don't see where -- I don't see where the wording
7 of my Contention limits what I -- the scope of what I
8 ask for. I am -- I want those people evacuated safely.

9 Now, if it happens that other people are affected
10 by that as well, that's not something that my -- my
11 wording limits.

12 My wording wants those people evacuated safely, and
13 if those people being evacuated safely is dependent upon
14 the monitoring system, I feel I have the right to
15 discuss the monitoring system.

16 JUDGE GROSSMAN: Okay. Well, we have made
17 our determination, then, that that would not be
18 permitted here.

19 MS. ROREM: Okay.

20 BY MS. ROREM:

21 Q Ms. Fairrow, I would like to discuss the issue of
22 sheltering special facilities, and I am about to get
23 into -- is there a best situation for sheltering special
24 facilities?

25 A (WITNESS FAIROW) What do you mean by "a best

1 situation"?

2 Q Are there structures which are more easily used as
3 shelters than others or do some shelters provide more
4 adequate protection than others?

5 A (WITNESS FAIRCROW) Do you mean sheltering in place or
6 relocating and shelters outside?

7 Q I mean sheltering in place.

8 I am talking about sheltering in general.

9 JUDGE COLE: Sheltering as compared to
10 evacuation?

11 MS. ROREM: Yes.

12 A (WITNESS FAIRCROW) Yes, definitely. There are some types
13 of buildings that are better shelters than others.

14 For instance, a brick building would be better than
15 a wooden building; but I don't know the comparisons.

16 BY MS. ROREM:

17 Q Did you do studies on each of the special facilities in
18 which sheltering in place might be required in the EPZ?

19 A (WITNESS FAIRCROW) The State did not do any studies that
20 I am aware of.

21 Q Did Commonwealth Edison do any studies of which you are
22 aware of?

23 A (WITNESS FAIRCROW) Not that I am aware of.

24 Q So you do not know whether some of the facilities in
25 which shelters in place may take place are better

1 sheltering facilities than others?

2 A (WITNESS FAIROW) I can't make the judgment right now.

3 Q Might it be the case that some of the facilities in
4 which shelters will take place are better sheltering
5 facilities than others?

6 A (WITNESS FAIROW) That is possible.

7 Q Might it be the case that there would be other buildings
8 in a town which would provide shelter than the
9 facilities in which sheltering will take place?

10 WITNESS FAIROW: Could I have that question
11 read back, please.

12 JUDGE GROSSMAN: Read it back, please.

13 (The question was thereupon
14 read by the Reporter.)

15 A (WITNESS FAIROW) That's possible.

16 BY MS. ROREM:

17 Q But sheltering will take place, according to the plan,
18 in the facility in which people are already located;
19 correct?

20 A (WITNESS FAIROW) In most cases, the reason for a
21 shelter in place recommendation is that it is -- it
22 would be better at the time for persons to take shelter
23 than to evacuate.

24 By evacuating, they may be more exposed to more
25 radiation than by just staying inside.

1 If that was the case, moving them to another
2 building in the town would cause greater danger than
3 leaving them just under shelter in the building that
4 they are in.

5 Q With how much warning time would this be the case?

6 A (WITNESS FAIROW) That's something that is situation
7 specific.

8 Q If a decision has been made that sheltering is the
9 protective action recommended, but there is no -- there
10 are no radiological releases as of yet, are people
11 endangered by leaving a special facility?

12 A (WITNESS FAIROW) You are saying there is a take
13 shelter recommendation, but no release of radioactivity?

14 Q Correct.

15 A (WITNESS FAIROW) They are in most danger by leaving the
16 special facility then.

17 Q So it might be a better situation for people to be
18 relocated in another structure, correct, in this
19 circumstance?

20 MR. EDGAR: In respect to recreational areas?

21 MS. ROREM: I'm -- no. It's with respect to
22 any special facilities.

23 I am not talking -- in fact, I wasn't even thinking
24 about recreational areas.

25 WITNESS FAIROW: Could I have the question read

1 back again?

2 (The question was thereupon
3 read by the Reporter.)

4 A (WITNESS FAIROW) It may be beneficial.

5 It would depend upon the situation.

6 BY MS. ROREM:

7 Q Does the plan make any provisions for that
8 recommendation?

9 A (WITNESS FAIROW) Not specifically; but that would be
10 something that would be decided by DNS, probably, based
11 on the condition in an area and --

12 Q Has -- excuse me.

13 A (WITNESS FAIROW) -- the plan is made flexible enough
14 that it can be applied to different situations.

15 We can't plan for every situation that may occur.

16 Q Has DNS, to your knowledge, done any studies on other
17 structures which may provide more adequate sheltering
18 than the -- the facilities in which people will be for
19 sheltering in place?

20 A (WITNESS FAIROW) Not to my knowledge.

21 Q To your knowledge, does DNS have any plans to do any
22 studies of this nature?

23 A (WITNESS FAIROW) I don't know.

24 Q But you have not done any studies of this nature?

25 A (WITNESS FAIROW) No.

1 Q Nor has -- neither the State nor Commonwealth Edison has
2 done any?

3 A (WITNESS FAIROW) Not that I am aware of.

4 Q Why should parents not go to schools -- schools to pick
5 up their children to take shelter, as has been
6 recommended?

7 A (WITNESS FAIROW) The school staff, the principal,
8 superintendent, are -- have special instructions as part
9 of IPRA to follow, in the case of both the take shelter
10 and evacuate, to take care of those children.

11 The -- there is no need for the parents to go
12 there, the children are being taken care of, and in some
13 cases, in a take shelter situation, there may be some --
14 some radiation involved already, if, as I mentioned
15 earlier, there is a case where sheltering may be chosen
16 over evacuation.

17 Q Will the parents know that there is a radiation danger?

18 A (WITNESS FAIROW) They are told in the take shelter
19 messages not to enter an affected area if they are not
20 in that affected area.

21 Q I am not talking about that.

22 What we are talking about, we are within the EPZ,
23 we are in the affected area.

24 We are in an area which has been told to take
25 shelter.

1 Are the parents told that there is a radiation
2 danger?

3 A (WITNESS FAIROW) The take shelter messages do say that
4 you should not evacuate at this time.

5 Q That's not what I asked.

6 Do the parents know there is a radiation danger?
7 Are they told?

8 A (WITNESS FAIROW) By whom; how?

9 Q By either EBS messages -- by EBS messages.

10 A (WITNESS FAIROW) The EBS messages say, "Do not evacuate
11 at this time. You may be exposing yourself
12 unnecessarily to unnecessary danger."

13 Q That does not explain what I am asking.

14 Are they told that they are exposing themselves or
15 their children to radiation danger if they go to a
16 school, pick their child up and go back home?

17 MR. FLYNN: Your Honor, I believe this
18 question has been asked several times and the answer has
19 already been given.

20 The question is: What information does the ESB
21 message convey, and Ms. Fairow has already given that
22 answer.

23 JUDGE GROSSMAN: Ms. Fairow, is your answer
24 complete as to what the message is that's given?

25 WITNESS FAIROW: Yes.

1 JUDGE GROSSMAN: It's already been answered.

2 Ms. Rorem, I think you have the answer that you
3 want here, so there is no reason to pursue it.

4 MS. ROREM: I'm sorry.

5 I am trying, on the basis of your previously
6 sustaining an objection by Mr. Edgar, to figure out how
7 to go after other things.

8 BY MS. ROREM:

9 Q If there is not any radiation release, but sheltering in
10 place has been recommended, what do the EBS messages
11 say?

12 A (WITNESS FAIROW) The basic EBS message for take
13 shelter says the same.

14 In either case, there may be situation-specific
15 information added by the county ESDA coordinator.

16 Information related to a release or whatever would
17 most likely be added by DNS, if there was a need.

18 Q So there is no -- so -- so parents listening would not
19 be told that there was no radiation danger; the message
20 would be the same?

21 A (WITNESS FAIROW) As I said, the county ESDA
22 coordinator could add situation-specific information if
23 needed; and DNS would provide that type of information
24 if it was necessary.

25 Q If there is no radiation danger because there has been

1 no release yet, why would it be dangerous for a parent
2 to go to the school, pick up his child and take him home
3 to shelter him?

4 A (WITNESS FAIROW) If there is no release and it's a
5 take shelter, you want to know what the danger to the
6 parent would be?

7 There would be none.

8 Q So it would not be unacceptable for a parent to wish to
9 pick up his child and shelter him at home?

10 A (WITNESS FAIROW) It would not be unacceptable for a
11 parent to wish to do that; that's true.

12 Q Would he in any way be prohibited from picking up his
13 child?

14 A (WITNESS FAIROW) I think that would depend a lot upon
15 school policy and what the normal procedures are for
16 parents picking up students and, you know, releasing
17 them to their parents or whoever would come to pick up
18 the child.

19 Q Do the schools have any legal authority to stop parents
20 from picking up their children?

21 MR. FLYNN: Objection.

22 It calls for a legal conclusion.

23 JUDGE GROSSMAN: Overruled.

24 The witness can answer what she knows about that.

25 A (WITNESS FAIROW) I am afraid I don't know that.

1 BY MS. ROREM:

2 Q Why would the EBS messages, which state that -- why
3 would EBS messages -- in what way would the EBS messages
4 give parents the feeling that their children were being
5 adequately cared for in the school situation?

6 A (WITNESS FAIROW) The EBS messages tell the public that
7 there is no need to go to schools to pick anyone up,
8 because they are being taken care of by the personnel at
9 that facility.

10 Q In what ways are they being protected?

11 A (WITNESS FAIROW) The principals and superintendents
12 have procedures to follow in the event of a take shelter
13 or evacuation; and the -- the school officials would
14 follow those procedures to either shelter or evacuate,
15 whichever was indicated to them.

16 Q If the school facilities were not a structure which was
17 provided or which provided the maximum protection from
18 radioactive contamination, would it be sensible for a
19 parent to judge that he should pick up his child and
20 bring him home?

21 MR. EDGAR: That's been asked and answered.

22 MS. ROREM: No. I am saying a completely
23 different thing. It's a different question.

24 JUDGE GROSSMAN: We will allow this answer;
25 but I think you are flogging a dead horse here.

1 We are going over and over again on the same
2 ground; but you may answer that last question.

3 WITNESS FAIROW: May have it read back, please.

4 (The question was thereupon
5 read by the Reporter.)

6 A (WITNESS FAIROW) Well, the schools are prepared to take
7 care of the students in this situation.

8 Whether it is sensible for a parent to judge if
9 the -- the building as is is adequate for shelter, I
10 don't know if most parents can make that determination;
11 but I believe it would be a parent's inclination,
12 whether sensible or not, to want to go there.

13 BY MS. ROREM:

14 Q Would you please describe what you -- would you please
15 describe how transients in recreational areas have been
16 provided with information concerning possible
17 radiological danger?

18 MR. EDGAR: I object to that question.

19 It's cumulative and redundant. That's in the
20 direct.

21 JUDGE GROSSMAN: Yes; and it was asked
22 yesterday, also.

23 MS. ROREM: All right.

24 MR. EDGAR: Yes.

25 MS. ROREM: All right. I'm sorry. It was

1 asked yesterday; but I was trying to -- trying to
2 re-establish something.

3 BY MS. ROREM:

4 Q If -- how aggressive has either the State or
5 Commonwealth Edison been in providing copies of the
6 brochure to transients in recreational areas?

7 A (WITNESS BUTTERFIELD) The distribution of the
8 brochures for recreational areas which have persons --
9 it's a club where people perhaps will live in the area,
10 would receive them either through the recreational area
11 where we provide multiple copies or could receive them
12 at home through their normal distribution if they live
13 within the EPZ.

14 Now, to be sure that we get these brochures to all
15 of the recreational areas at the time that we expect
16 people will be attending those areas, we make -- excuse
17 me -- we make a distribution in the late spring of the
18 year, to be sure that the areas are -- in fact, are open
19 and there will be someone there to take them and put
20 them -- they are available for distribution or for pick
21 up by the persons that are attending.

22 Q Is that number of brochures available limited?

23 A (WITNESS BUTTERFIELD) As opposed to unlimited, yes;
24 but the actual number that we give them, we ask how many
25 they would like. We will provide whatever number they

1 ask for.

2 Otherwise, we will make an estimate of what we
3 think that they will use.

4 Q If they need more copies, they -- and they request them,
5 you will give them to them?

6 A (WITNESS BUTTERFIELD) Yes, ma'am.

7 Q When people enter the State recreational facilities, are
8 they given a copy --

9 A (WITNESS BUTTERFIELD) It is my --

10 Q -- of the brochure?

11 A (WITNESS BUTTERFIELD) It is my understanding that they
12 are made available.

13 They are not handed them, each one individually.

14 Q So someone must ask for a copy of the brochure in order
15 to obtain it?

16 A (WITNESS BUTTERFIELD) No. It is my understanding that
17 they are available at the sites for pick up. They would
18 be sitting in the stand or on the location where they
19 could pick them up out without having to ask for them.

20 Q Do all transients pass by a place where these brochures
21 are readily available?

22 A (WITNESS BUTTERFIELD) I don't know.

23 Q What other kinds of information are provided at the same
24 place where the brochures are available?

25 A (WITNESS BUTTERFIELD) At this time there are no other

1 provisions made.

2 Q So the brochures have their own little stand or whatever
3 in State recreational areas?

4 A (WITNESS BUTTERFIELD) That's my understanding.

5 Q Are they at each and every entrance to the State
6 recreational areas?

7 A (WITNESS BUTTERFIELD) I don't know.

8 Q So a transient could enter a State recreational area and
9 not go by a main office and would not obtain a copy of
10 the brochure?

11 A (WITNESS BUTTERFIELD) That's possible.

12 Q How often would this happen?

13 A (WITNESS BUTTERFIELD) I don't know.

14 Q Have either Edison or the State done any studies on
15 which entrances are used to State facilities?

16 A (WITNESS BUTTERFIELD) Commonwealth Edison has not.

17 A (WITNESS FAIROW) The State has not done any studies;
18 but I am sure there are a limited number of access
19 points to the State parks in the area.

20 Q If there are a limited number of accesses -- access
21 places to the state parks, are you saying that, at each
22 of these access places, the brochure would be provided?

23 A (WITNESS FAIROW) No, that's not what I said.

24 Q Well, the answer was irrelevant.

25 Most of these brochures are not directly seen by

1 transients, are they?

2 A (WITNESS FAIROW) I think it depends if -- if the
3 people in those recreational areas also live within the
4 EPZ, and it also depends if they go into the clubhouse
5 or office or whatever.

6 Q Let's talk about the State recreational parks, and let's
7 assume that people are not from within the EPZ.

8 They have not received a copy of the brochure at
9 home, have they?

10 A (WITNESS FAIROW) Not if they are not within the EPZ.

11 Q They do not know that they are in an EPZ for a nuclear
12 plant, do they?

13 A (WITNESS FAIROW) Some may know and some may not.

14 Q But no information is provided for them within the EPZ
15 to tell them that they are within the EPZ for a nuclear
16 plant?

17 A (WITNESS FAIROW) Only the brochure is provided to the
18 facility.

19 Q But they have no reason to search to find a brochure if
20 they do not know that they are -- that they are within
21 the area of an EPZ for a nuclear plant?

22 A (WITNESS FAIROW) I suppose that's correct.

23 Q Do most transients pass by an office in a facility?

24 A (WITNESS FAIROW) I don't know that for sure.

25 Q So the distribution of information about concerning

1 evacuation and sheltering in a radiological emergency is
2 not necessarily available to all transients in
3 recreational areas, is it?

4 A (WITNESS FAIROW) It is available at the recreational
5 area; but not all people within that area may see it
6 while they are there.

7 Q Is it readily at hand?

8 A (WITNESS FAIROW) It is at hand in the office or
9 clubhouse.

10 Q What -- is there a copy available for each transient or
11 each transient family that enters a State park or
12 recreational facility in the EPZ?

13 A (WITNESS FAIROW) I don't believe so.

14 A (WITNESS BUTTERFIELD) I would like to add to that, I
15 believe that, in fact, there are copies available, and
16 at the time that they run out or would get low, if the
17 park personnel call us, we will replace and replenish
18 that supply.

19 So from that point of view, there would be one
20 available for everyone who wanted one.

21 Q Isn't it true that most locations have at most 50
22 brochures on hand?

23 A (WITNESS BUTTERFIELD) I don't know.

24 Q Why don't you know?

25 A (WITNESS BUTTERFIELD) Because I do not go out and hand

1 them out to the personnel.

2 People under my direction do that.

3 Q But you are stating that they are at hand, so --

4 A (WITNESS BUTTERFIELD) Yes.

5 Q -- so, therefore, you must have some idea of -- as to
6 how many there are?

7 A (WITNESS BUTTERFIELD) No.

8 Q How many persons visit the Kankakee State Park
9 recreational facility on a busy weekend in the summer?

10 A (WITNESS BUTTERFIELD) Offhand, I don't know.

11 We have those numbers from the surveys and things.

12 I would have to look that up. I don't know
13 offhand.

14 Q It's more than 50 persons, isn't it?

15 Is it -- is it more than 50?

16 I am trying to avoid those things.

17 Is it more than 50 people?

18 A (WITNESS BUTTERFIELD) I would assume that it is,
19 certainly.

20 Q So that if there are not more than 50 brochures on a
21 weekend, there are not brochures for each person who
22 enters the Kankakee River State Park, are there?

23 A (WITNESS BUTTERFIELD) Given the assumptions you have
24 given me, that would be correct.

25 Q So unless you have on hand, per weekend, in the Kankakee

1 River State Park or some other State park, the number of
2 brochures which is the same as the number of transients
3 or the number of transient vehicles which enters the
4 park, transients do not have the material ready --
5 readily at hand, do they?

6 A (WITNESS BUTTERFIELD) The opportunity for a transient
7 -- each and every transient family to pick one up would
8 not be there; that is correct.

9 MS. ROREM: Could I have a moment, please?

10 JUDGE GROSSMAN: Certainly.

11 By the way, Ms. Rorem --

12 MS. ROREM: Yes.

13 JUDGE GROSSMAN: -- if you wish for us to
14 take a recess now, that would be agreeable to us.

15 MS. ROREM: Okay. We can do that.

16 JUDGE GROSSMAN: A 10-minute recess, then.

17 (Whereupon, a recess was had, after which
18 the hearing resumed as follows:)

19 JUDGE GROSSMAN: Back on the record.

20 During the recess, we have discovered that Mr.
21 Wenger is having a back problem and might not be able to
22 last the whole day; so we have decided, with the
23 agreement of all the parties, to have him take the stand
24 now, and then, after his testimony has been completed,
25 to resume with Applicant's panel.

1 Mr. Wenger has already been sworn; so that he is
2 now available for examination.

3 Does staff have any preliminary examination with
4 him in addition to -- oh, you haven't yet offered his
5 testimony; so Mr. Flynn will proceed.

6 MR. FLYNN: Yes. Thanks, your Honor.

7 GORDON WENGER

8 called as a witness by counsel for the Federal Emergency
9 Management Agency, having previously been duly sworn by the
10 Chairman, was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. FLYNN:

13 Q Will you state your name, please?

14 A I am Gordon Wenger. My residence is in Michigan,
15 Ceresco, Michigan, 12,700 11-Mile Road.

16 Q By whom are you employed and what is your post?

17 A I am employed by the Federal Emergency Management
18 Agency, and my position is Emergency Management
19 Specialist.

20 Q You have in front of you a document which is entitled,
21 "Testimony of Gordon Wenger Regarding Rorem Contentions
22 1(a) and 1(b)."

23 Are you familiar with that document?

24 A Yes, I am.

25 Q How does it happen that you are familiar with it?

1 A It's testimony on my behalf for presentation.

2 Q Have you read it?

3 A Yes, I have.

4 Q I have handed copies of this document to the other
5 parties to this proceeding and the Board and the Court
6 Reporter.

7 It happens that there are some changes in the
8 version that I have just distributed in the course of
9 this hearing, changes from the pre-filed version of the
10 testimony; and I would like you to go through the
11 document and point out where those changes are and what
12 they are.

13 Let's start on Page 5.

14 In this case, the change is obvious, because it's
15 in a type -- different type styles; but can you explain
16 the nature of the change?

17 A Mr. Flynn, I don't have a copy of that myself.

18 MR. EDGAR: Could we have it marked for
19 identification, just for ease of reference.

20 Would that be possible?

21 JUDGE GROSSMAN: It's going to be submitted
22 for inclusion in the text of the transcript, so I don't
23 think it's necessary.

24 MR. EDGAR: All right. Fine.

25 BY MR. FLYNN:

1 Q Do you see the paragraph or the portion of the paragraph
2 that begins, quote, "At the time of the accident,"
3 unquote?

4 A Yes.

5 Q Can you explain what the nature of the change that was
6 made there is?

7 A In writing this initially, and then, when it was
8 prepared and sent to me, in reading it, it wasn't clear,
9 and to put it in better terms and be more precise, we
10 re-worded that part.

11 Q Thank you.

12 Now, turning to Page 7.

13 A Yes.

14 Q Specifically, I direct your attention to the concluding
15 paragraph of Answer 10.

16 Can you explain what change was made in that
17 paragraph?

18 A Well, as it states, in part, educates the public to the
19 need to tune radios or televisions to the Emergency
20 Broadcast System.

21 Televisions are not in the primary Emergency
22 Broadcast System.

23 Q I think you have got a little bit ahead of me there.

24 You are referring to Answer 12?

25 A Yes.

1 Q In Answer 12, we deleted the phrase, "or televisions."

2 A That's correct.

3 Q Can you go back to the top of the page, the concluding
4 paragraph of Answer 10, the last sentence.

5 A I have that before me.

6 I have no alteration to that.

7 Q I am referring to the sentence that says, "The PANS in
8 the Braidwood EPZ uses sirens as the primary means of
9 alerting the public and mobile public alerting as a
10 backup means."

11 A (No Response.)

12 JUDGE GROSSMAN: The witness's problem is
13 that it is in the same type, and there is no indication
14 that there is any change; so unless he compares it with
15 the prior testimony --

16 MR. FLYNN: With the permission of the Board,
17 it will speed things up if I am allowed to lead the
18 witness here.

19 JUDGE GROSSMAN: Fine.

20 BY MR. FLYNN:

21 Q I believe we deleted reference to tone-alert radios.

22 A Yes.

23 Q What was the reason for that?

24 A Because at this time we have no indication from the
25 State, from the utility, that tone-alerted radios will

1 be used in the EPZ.

2 Q Now, please turn to Page 9.

3 Will you point out the change at the bottom of the
4 page there?

5 A The change at the bottom of the page is to delete the
6 words, "or televisions," and that's for the same reason
7 as I presented on Page 7.

8 Q Now, turn to Page 10, and explain the change at the top
9 of Page 10.

10 A The change there is: Route alerting at this point is
11 not a part of the means of notifying the public; so the
12 wording is "mobile public alerting," which is a system
13 that could be incorporated in the absence of sirens, if
14 they happen to fail.

15 Q Could you explain briefly what the difference is between
16 mobile public alerting and route alerting?

17 A Well, route alerting is a part of the Prompt Alert and
18 Notification System; in other words, route alerting
19 would be a part of the outdoor siren system.

20 In this case, we refer to mobile public alerting,
21 which would be emergency vehicles which have speaker
22 systems and which could be driven through the area, and
23 it would be if it is basically necessary to supplement
24 the primary outdoor warning siren system.

25 Q Now, turn to Page 12.

1 A Yes.

2 Q Answer 22.

3 Can you explain the changes in Answer 22?

4 A We clarified that answer. In place of the acronym,
5 "IESDA," we used the word, "Governor"; and in the last
6 part of that Answer 22, the correct term should have
7 been "IDNS" in place of "IESDA."

8 Q Now, Page 14.

9 A Yes.

10 Q The top of the page, the last part of Answer 23, which
11 was the change there?

12 A The dropping of the word, "Chapter, Roman II," so it
13 would be "Attachment D to Volume VII-7-SOP-11."

14 Q So that comes out, "Volume Roman VII dash Arabic numeral
15 7 dash SOP dash 11"?

16 A Yes.

17 Q Now, turn to Page 16.

18 A Yes.

19 Q Answer 31, there are three changes, two of them in the
20 first sentence.

21 Could you explain those first?

22 A All right.

23 On Answer 31, for greater clarity, we changed the
24 acronym, "IESDA" to "the State," in the first line of
25 Answer 31, and on the second line.

1 Q Now, in the last full line of that page, there are some
2 changes in the reference to the IPRA.

3 Can you explain those?

4 A Yes.

5 Next to the last line, we changed that it would be
6 under Annex, as Arabic 1 instead of Roman I, so it's now
7 Annex 1A; and inserted between "Volume" and 7-SOP-8, we
8 inserted Roman VII to show that it was Volume 7.

9 Q Okay. Now turn to Page 17?

10 A Pardon me, Mr. Flynn if, I may.

11 Q Yes.

12 A Could we go back to Answer 29?

13 Q Yes.

14 A Yes, Answer 29, to clarify, we have changed where it
15 says, They are addressed in Volume 1. We have changed
16 that from Arabic one to Roman I.

17 Q Thank you.

18 Now we are on Page 17.

19 A Yes.

20 Q In the 6th line there is a change.

21 A Yes.

22 Scratching "IESDA," the acronym, to read, "State."

23 Q Then in the next paragraph there are several changes.

24 Beginning with the second sentence, "Population
25 within the two-mile radius."

1 A Yes; to continue what you just stated.

2 "Radius of the station will be" and insert the
3 words, "sheltered or", and then it would continue,
4 "evacuated prior to or simultaneously with any", and it
5 would be "sectors," plural, "determined by the field
6 survey teams and" inserting "or."

7 Q So that comes out, "and slash or"?

8 A That is correct.

9 Q Now turn to Page 18.

10 A Yes.

11 Q The last paragraph of Answer 32.

12 A Yes.

13 To be consistent with our changes in the preceding,
14 we have deleted, on the third line, the phrase, "or
15 indoor tone-alert radios."

16 Q Now, turn to Page 19.

17 A Yes.

18 Q The last sentence of Answer 33.

19 A To be consistent, what we have changed in the preceding,
20 the sentence then reads, "In addition, the," and we have
21 scratched "route" and made it "mobile public alerting."

22 Q Now, look at Page 27, Answer 51.

23 A Yes.

24 The change there, once again, the consistency, as
25 we did in the foregoing, is to scratch the acronym,

1 "IESDA," and make it "State."

2 Q Thank you.

3 I would represent to you that the -- that an errata
4 sheet was served on the Board and the parties before the
5 reconvening of this hearing, and that the -- the errors
6 which were identified in the errata sheet have been
7 incorporated into the version of the prepared testimony
8 which you have before you.

9 Now, I think I have already asked you this, but let
10 me ask you again.

11 Have you read this?

12 A Yes, I have.

13 Q With the changes that you and I have identified, do you
14 endorse this testimony today?

15 A I do, yes.

16 MR. FLYNN: I move that the testimony, which
17 has been endorsed by Mr. Wenger, be incorporated into
18 the record as if read.

19 JUDGE GROSSMAN: Any objection, Ms. Rorem?

20 MS. ROREM: Yes.

21 First of all, just for the sake of consistency,
22 might I point out that, on Page 18, Question 33, it
23 talks about the IPRA making any provisions for people
24 who might not be near a radio or television.

25 Do you wish to strike "television" from that?

1 THE WITNESS: No.

2 MS. ROREM: Okay. Other than that, I do
3 object to the -- to accepting this testimony in its
4 entirety.

5 I would like to offer a motion to strike certain
6 parts of this testimony.

7 JUDGE GROSSMAN: Fine.

8 MS. ROREM: Specifically, Question 24 and
9 Answer 24, because they are outside the scope of this
10 contention. They are outside the scope, because the
11 contents has to do with information given to persons,
12 not with the provisions, not provisions that are made
13 for people, but with information that is given to them.

14 JUDGE GROSSMAN: Mr. Flynn?

15 MR. FLYNN: If Ms. Rorem represents that that
16 is not part of this hearing and she does not intend to
17 address that, I have no objection to that question and
18 answer being stricken from the record.

19 JUDGE GROSSMAN: Mr. Edgar?

20 MR. EDGAR: Well, it's a matter of
21 organization; but re-entry messages are within the scope
22 of Offer of Proof Issue No. 6, that deals with re-entry
23 messages.

24 If we understand that the distinction that Ms.
25 Rorem draws, which is between information or messages on

1 the one hand, and implementing actions on the other,
2 then I would have to problem with it, as long as we
3 remain consistent.

4 JUDGE GROSSMAN: Well, we will allow Mr.
5 Flynn to withdraw that question and answer because of
6 the objection, but we will ask the Reporter to include
7 the entire document, if it is admitted, including that
8 part. We will order that it it be stricken, but it is
9 only there for reference purposes, in the eventuality
10 that it may be needed in the future.

11 MR. FLYNN: Your Honor --

12 JUDGE GROSSMAN: Ms. Rorem?

13 MS. ROREM: I have -- there is another
14 question and answer I would like deleted as well.

15 JUDGE GROSSMAN: There is another question,
16 but not related to this.

17 Mr. Flynn.

18 MR. FLYNN: I will be happy to defer to Ms.
19 Rorem at this time.

20 Go ahead.

21 MS. ROREM: I would like Question and Answer
22 26 also stricken, because they are -- it's a -- there
23 are -- it's a -- the answer is -- the question and
24 answer are vague and ambiguous and don't really offer
25 any testimony.

1 JUDGE GROSSMAN: Ms. Rorem, it's a conclusion
2 of an expert witness, for whatever it's worth, and I
3 think we will overrule that objection.

4 MS. ROREM: Might I go ahead now?

5 JUDGE GROSSMAN: Have you concluded your
6 objections?

7 MS. ROREM: Those are the only two objections
8 I have.

9 MR. EDGAR: The Board didn't hear from me on
10 the question of whether the -- I have no objection to
11 admission of the testimony.

12 I don't think the Board has ruled yet.

13 JUDGE GROSSMAN: No, we have not.

14 Mr. Flynn?

15 MR. FLYNN: I have one other thing, your
16 Honor.

17 I neglected to point out that one of the original
18 questions in the pre-filed testimony was omitted from
19 the current version, and that is the original Question
20 41.

21 Let me address a question to Mr. Wenger.

22 BY MR. FLYNN:

23 Q Can you explain why it is that the original Question 41
24 has been deleted?

25 A We felt the original question, in the testimony that was

1 prepared, wasn't directly answered, and really serves no
2 purpose.

3 Q We are at a little disadvantage in that we don't have
4 the text of the original question before us.

5 Do you remember what the subject matter was?

6 A I have it.

7 Q Okay. Rather than read the entire question and answer,
8 can you paraphrase it for us?

9 A It was asking how I made a verification, and my response
10 did not -- was not directed to that question, which made
11 the answer somewhat meaningless.

12 MR. FLYNN: Thank you.

13 At this point I would re -- I would submit the
14 testimony, and, as I understand it, there are no
15 objections other than the one Ms. Rorem has already
16 voiced.

17 JUDGE GROSSMAN: Mrs. Rorem, do you have any
18 objection, based on the deletion of Paragraph -- of
19 Question and Answer 41?

20 MS. ROREM: No.

21 JUDGE GROSSMAN: Of the original?

22 MS. ROREM: Original?

23 JUDGE GROSSMAN: Therefore, we now admit the
24 pre-filed testimony, with the exception of Question and
25 Answer --

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
COMMONWEALTH EDISON COMPANY) Docket Nos. 50-456
) 50-457
(Braidwood Station, Units 1 and 2)

TESTIMONY OF GORDON WENGER
REGARDING ROREM CONTENTIONS 1(a) AND 1(b)

Q.1 Please state your name, your occupation, and your qualifications to testify on behalf of the Federal Emergency Management Agency (FEMA).

A.1 I am Gordon Wenger, Emergency Planning Specialist, with the Technological Hazards Branch, FEMA, Region V. I have held this position for the last six years. I am the Federal Team Leader for Radiological Emergency Preparedness Planning for Illinois and Indiana. I have participated in more than 50 exercises of nuclear power facilities, serving as evaluation team director or leader. I have reviewed radiological emergency plans, written exercise reports, interim findings and Regional Director's Findings for all six of the states in FEMA's Region V, namely, Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. A statement of my professional qualifications was attached as an exhibit to my prefiled testimony on Rorem Contention 1(a) for the hearing held October 29, 1985, and was bound into the transcript following Transcript p. 518.

Q.2 What is the purpose of your testimony?

A.2 The purpose of my testimony is to address Rorem Contentions 1(a), including Offer of Proof Issues 2, 3, 4, and 6, and 1(b).

Contention 1 states:

- i. Intervenor contends that an adequate emergency plan for the Braidwood Station should include the following:
 - (a) a program for informing the public within 10 miles of the Station of the means for obtaining instructions for evacuation or other protective measures in the event of a radiological emergency originating at the Station.
 - (b) assurance that institutions within 10 miles of the Station, such as nursing homes, can be evacuated or adequately protected in the event of a radiological emergency.

Offer of Proof Issues 2, 3, 4, and 6 states:

2. Applicant must develop and demonstrate its capability to provide, through scripts and/or other media information, substantive emergency information to adequately inform the public of emergency information in the event of an accident at the Braidwood Station through all radio, TV or EBS stations in the ingestion pathway zone, so as to enable the public to effectively evacuate in the event of an emergency and to effectively re-enter the affected zone in the event of an emergency.
3. Applicant must demonstrate its capability to adequately inform residential and transient populations within the EPZ in the event of an emergency so as to enable the populations to effectively evacuate or shelter including development of the specific means and content of such communications to specific populations.
4. The program for notification of the public at the time of an accident is deficient in that it

provides no means of informing employers in the EPZ as to what actions they should take with respect to facility shutdown, sheltering, or the release of employee personnel in the event that evacuation is required.

6. Applicant's public information program is deficient in that it fails to set out the means by which the public will be informed during an emergency of re-entry protective measures to be followed by the public in an emergency and the content of such means with respect to information concerning decontamination and interdiction of foodstuffs, water supplies, dairy and livestock, and field and garden crops.

Q.3 What is the Illinois Plan for Radiological Accidents?

A.3 The Illinois Plan for Radiological Accidents (IPRA) is a comprehensive document which sets out in detail the plan for responding to any radiological emergency or accident which would happen in the state of Illinois. It is comprised of several volumes. The plan is both general, that is, state-wide, and specific, that is, tailored to deal with an emergency at each particular nuclear power station in Illinois. The IPRA is a record of the responsibilities which have been assigned to various officials of state and local government and utility companies.

Q.4 How was it developed?

A.4 Prior to the issuance of an operating license, the U.S. Nuclear Regulatory Commission (NRC) requires development of an emergency plan to assure the safety of the public in the event of an accident. 10 C.F.R. § 50.47. The content of emergency plans is spelled out in Appendix E to 10 C.F.R. Part 50. In addition, the NRC and the

Federal Emergency Management Agency have published a guide, NUREG-0654/FEMA-REP-1, Rev. 1, October 1980, "Criteria for Preparation of Radiological Response Plans and Preparedness in Support of Nuclear Power Plants." Each utility company seeking a license will develop a plan in close cooperation with state and local government officials. In this case, Commonwealth Edison Company (CECO) developed a plan for the Braidwood Station together with the State of Illinois, Will, Kankakee and Grundy Counties, and various communities within those counties.

Q.5 Where is the plan for Braidwood found?

A.5 The IPRA is a multi-volume set. Volume One (Vol. I, June 1985) contains the State General Plan and refers to all of the 10 mile and 50 mile EPZs surrounding nuclear power plants in the State of Illinois. Volume Seven (Vol. VII, Preliminary, August 1985) contains the plan specific to the Braidwood Station offsite planning. In addition, there are Procedures (Vol. I February 3, 1982 and Vol. VII August, 1985) for the State and the Braidwood Station.

Q.6 What parts of those volumes did you refer to in preparing this testimony?

A.6 This testimony concerns itself with certain aspects of the public information effort; therefore, the parts of the IPRA which I have focused on deal with the dissemination of information before, during, and shortly after an accident.

Q.7 In general, what provisions does the IPRA make in that regard?

A.7 It sets out the procedures to be followed in educating the public before an accident, for notifying public officials at the time of an accident, for activating the Prompt Alert and Notification System, and for delivering reliable information to the public on the protective actions they are expected to take.

Q.8 Who are the individuals or officials who are called upon at these times?

A.8 First, the licensee, the operator of the nuclear power plant develops a public information brochure in cooperation with state and local government officials. The licensee then distributes the brochure, at least annually. This was discussed at the October 29, 1985 hearing.

At the time of an accident, the licensee is responsible for classifying the accident and then for notifying the Illinois Emergency Services and Disaster Agency (IESDA) and the Illinois Department of Nuclear Safety (IDNS). The IDNS will evaluate from a technical perspective the licensee's information and recommendations. It then reports its analysis to the Governor. Taking into account the IDNS analysis, the Governor will direct IESDA to implement appropriate protective actions. For example, in the event of an accident which warrants a general emergency declaration, the Governor will direct IESDA to implement the appropriate action for that accident classification including determining which sectors of the EPZ are affected.

The IESDA will notify the Grundy, Kankakee, and Will County Sheriff's Dispatchers, who will, in turn, notify the County ESDA Coordinators. Upon the decision by County officials to activate the Prompt Alert and Notification System, the coordinators will notify the County Sheriffs' dispatchers to activate the system. The County ESDA Coordinators will activate the Emergency Broadcast System (EBS). The IESDA will set up and operate the Joint Public Information Center. See Vol. I, Chap. 2, Sections E and F, and Vol. I, Chap. 8, of the IPRA.

Q.9 What is the Joint Public Information Center?

A.9 As the name implies, the Joint Public Information Center (JPIC) is a central location where public officials will provide information to the news media about the progress of an accident. Its function is to provide timely, accurate, and essential information and to dispel unfounded rumors. The JPIC does not take the place of the EBS, but supplements it, especially during the times when the situation is essentially under control and information can be provided in a comprehensive and unhurried way.

Q.10 What is the Prompt Alert and Notification System?

A.10 The Prompt Alert and Notification System (PANS) is the means by which government officials call the public's attention to an emergency condition. Section IV.D.3 of 10 C.F.R. Part 50, Appendix E, states:

[T]he design objective of the prompt public notification system shall be to have the capability to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes. The use of this notification capability will range from the immediate notification of the public (within 15 minutes of the time that State and local officials are notified that a situation exists requiring urgent action) to the more likely events where there is substantial time available for the State and local governmental officials to make a judgment whether or not to activate the public notification system.

The design of the PANS is within the discretion of the Applicant, subject to evaluation under criteria set forth in NUREG 0654/FEMA-REP 1, Rev.1. and Guide for the Evaluation of Alert and Notification Systems for Nuclear Power Plants, Appendix 3 FEMA-REP

10. A PANS typically uses sirens as the primary vehicle for alerting the public. Some systems, however, rely on tone-alert radios, direct dialing telephone systems, or "route alerting," that is, messages broadcast from emergency vehicles fitted with public address equipment. Many systems use some combination of these means. The PANS in the Braidwood EPZ uses sirens as the primary means of alerting the public and mobile public alerting as a backup means.

Q.11 What is the EPZ?

A.11 The acronym EPZ refers to the "Emergency Planning Zone." There are actually two EPZs surrounding each nuclear power plant. The larger one is the ingestion pathway EPZ, which generally extends 50 miles out from the plant. The other is the plume exposure pathway EPZ, and that extends 10 miles from the plant unless special circumstances justify the identification of a smaller zone. Emergency planning is required only within the plume exposure pathway EPZ, which has a 10 mile radius in the case of the Braidwood Station. Throughout my testimony, I am referring to the 10 mile EPZ unless I indicate otherwise.

Q.12 Once the PANS is activated, how does the public know what actions to take?

A.12 The public information effort which takes place before an accident, that is, distribution of brochures, educates the public to the need to tune its radios ~~or televisions~~ to the Emergency Broadcast System

(EBS). Appropriate messages will be broadcast very shortly after the PANS is activated, and the messages will be repeated and updated as often as necessary.

Q.13 Who decides which messages are appropriate?

A.13 This, too, is spelled out in 10 C.F.R., Part 50, App. E. Section IV.D.3. Within 15 minutes after the power plant operator determines that an emergency exists, it must notify State officials. The State officials then evaluate the information provided by the utility and make a decision on activating the PANS. They decide whether to activate the entire system. This is a process of assessing the risk to each section of the EPZ, deciding if protective action is required and, if so, whether it should take the form of sheltering-in-place or evacuation. The officials pay particular attention to the characteristics of the plume if there has been a release of radioactive material. The nature of the risks depends on many factors including weather, the duration of the release, the shape of the plume, the direction of the plume's movement, the materials released, and whether the release is in gaseous, liquid, or particulate form. When those decisions have been made, messages are chosen from scripts in the IPRA. These scripts are targeted for the particular sections of the EPZ affected by the emergency, and they contain specific information about the protective action recommended by the governmental officials.

Q.14 What factors indicate sheltering-in-place rather than evacuation?

A.14 If a release develops quickly, it is generally safer for people to be sheltered until the plume passes. Evacuation is preferred when there is enough time to move people out of the EPZ without exposing them to the plume.

CONTENTION 1(a)

Q.15 What does Rorem Contention 1(a) state?

A.15 Contention 1(a) states:

1. Intervenor contends that an adequate emergency plan for the Braidwood Station should include the following:
 - (a) a program for informing the public within 10 miles of the Station of the means for obtaining instructions for evacuation or other protective measures in the event of a radiological emergency originating at the Station.

Q.16 In your testimony on Rorem Contention 1(a) for the October 29, 1985 hearing, you discussed the dissemination of safety information prior to an accident at the nuclear power plant. You did not discuss, at that time, the dissemination of such information at the time of an accident. How is that accomplished at the time of an accident?

A.16 There are three basic ways that this is done. First there is the PANS. Secondly, there is the EBS; and thirdly, there is the JPIC.

The PANS in the Braidwood EPZ relies primarily on sirens to alert people to the existence of an emergency and the need to tune their radios ~~or televisions~~ to an EBS station. As discussed below in

connection with Offer of Proof Issue 3, some of the sirens and all of the ^{mobile public} ~~route~~-altering vehicles used in this PANS have the capability to deliver voice messages.

The EBS is activated by State and local officials, as discussed in my Answer 8, above. The EBS is the primary means of delivering scenario-specific information to the public at the time of an accident. The EBS system uses pre-planned scripts to the fullest extent possible, but it also has the flexibility to carry particularized information as needed.

The JPIC is discussed above at my Answer 9. It is the principal means by which State and local officials communicate information to the general news media.

Q.17 What is your conclusion about the effectiveness of these means of communicating safety information to the public at the time of an accident?

A.17 I find that they make adequate provision for the dissemination of this information.

Q.18 What is the basis for your conclusion?

A.18 The emergency response plan for Braidwood Station was tested in an exercise on November 6, 1985. I took part in the evaluation of the exercise. In addition, I took part in the evaluation of the plan by

the Regional Assistance Committee (RAC). The RAC found the plan to be adequate in that regard and I concur.

OFFER OF PROOF ISSUE 2

Q.19 What does Rorem Offer of Proof Issue 2 state?

A.19 Offer of Proof Issue 2 states:

Applicant must develop and demonstrate its capability to provide, through scripts and/or other media information, substantive emergency information to adequately inform the public of emergency information in the event of an accident at the Braidwood Station through all radio, TV or EBS stations in the ingestion pathway zone, so as to enable the public to effectively evacuate in the event of an emergency and to effectively re-enter the affected zone in the event of an emergency.

Q.20 What is the scope of your testimony on this issue?

A.20 I will address the dissemination of information at the time of an accident which will enable the public to evacuate the EPZ safely, as well as the dissemination of information after an accident which will enable the public to re-enter the EPZ safely.

Q.21 Where are these matters addressed in the IPRA?

A.21 Earlier in my testimony, at Answer 8, I identified the portions of the IPRA which deal with the use of the EBS and JPIC at the time of an evacuation. Re-entry is addressed in Vol. I at Chapter 2, Section 5(g); Vol. VII, Chapter 1, Annex 1A, Section 1(d); and Vol. VII-7-SOP-11.

Q.22 Who are the individuals or officials responsible for carrying out these procedures?

A.22 As explained earlier, the ^{Governor} ~~IESDA~~ makes the decision whether to shelter or evacuate. The County Emergency Services and Disaster Agency (ESDA) Coordinators activate the Emergency Broadcast System both when evacuation is ordered and at the time the ~~IESDA~~ ^{EDNS} determines that unrestricted re-entry is safe.

Q.23 What procedures or guidance are offered by the IPRA?

A.23 The IPRA identifies several delivery systems to disseminate emergency information.

The Braidwood Station public information brochure has been published and distributed to households, organizations, businesses, institutions, industries, individuals, and bulk quantities have been made available at locations which the public, including transients, frequents. The brochure provides significant general emergency planning information which directs the attention of readers of actions to take for their protection. It also directs readers to the sources of more precise emergency information.

The IPRA Volume VII and SOPs contain prescribed messages which are to be read by officials over the EBS radio and prescribed messages which are to read to the media by information specialists at the JPIC.

The information to be read will recommend the protective actions to be taken based on the recommendations of the utility and the Illinois Department of Nuclear Safety (IDNS). The recommended protective actions would be dependent upon the classification of the accident and plant conditions.

The same delivery system used to notify the population of the emergency and advise them of the protective actions will be used to notify the population of the precautionary procedures to enter the affected evacuated area. The post accident information gathered by the IDNS will determine if re-entry would be restricted or unrestricted.

Vol. VII-7-SOP-11 is entirely devoted to, and deals at length with, the procedures to be followed by local officials in allowing the public safely to re-enter the 10 mile EPZ. Once it has been determined that unrestricted re-entry is safe, the County ESDA Coordinators will initiate the broadcast EBS messages. At the same time, they will coordinate with the JPIC so that the same information is available to all the news media in addition to other than the EBS stations.

The scripts for the messages to be broadcast over the EBS and released to other news media through the JPIC are intentionally general. It is expected that particularizing information will be added at the time of their dissemination so that they will be more complete and accurate. The scripts for the EBS announcements of

unrestricted and restricted re-entry appear as Attachment D to Chapter ~~H~~, Vol. VII-SOP⁷⁻_n⁻¹¹.

Q.24 What provision is made for those people who may need to re-enter the EPZ after an evacuation has been ordered but before the general public is allowed to re-enter?

A.24 Where restricted re-entry is called for, State and local planning provides for emergency workers to enter the area only at the direction of supervisory personnel, and their authority is based on the IDNS advisement.

Those entering the area would be given a "stay time" dependent upon the measurements of radiation projected on an accumulated dose (time/radiation). Dosimetry is in place for distribution to emergency workers along with record keeping cards. Recordings are made on a short-term periodic basis, recorded, and the records must be submitted to the IDNS for evaluation.

Entry would be authorized and carefully controlled under the auspices of the local and State ESDAs and the IDNS. For example, if a kennel owner needed to return to the kennel in the evacuated area for care for the animals, that task might be assigned to emergency workers solely or to the owner with emergency workers assisting.

Q.25 In what way has the adequacy of these procedures been verified?

A.25 During the November 6, 1985, joint radiological emergency exercise, the Applicant, State and local governments effectively demonstrated the capability to efficiently implement the procedures and messages to inform the population of the simulated emergency through the several delivery systems devised by the applicant, State and local governments. FEMA had exercise evaluators at key locations to oversee the demonstration of disseminating emergency information to the affected population.

Q.26 What conclusion have you reached regarding Offer of Proof Issue 2?

A.26 The IPRA provides an efficient way of getting information to the public promptly. More importantly, the content of the messages has been carefully thought out to protect the safety of the public.

OFFER OF PROOF ISSUE 3

Q.27 What does Rorem Offer of Proof Issue 3 state?

A.27 Offer of Proof Issue 3 states:

Applicant must demonstrate its capability to adequately inform residential and transient populations within the EPZ in the event of an emergency so as to enable the populations to effectively evacuate or shelter including development of the specific means and content of such communications to specific populations.

Q.28 What is the scope of your testimony regarding Issue 3?

A.28 My testimony will describe the ways in which officials will deliver information to the public at the time of an accident. I will address

the means used to target particular segments of the population of the EPZ.

Q.29 Where are these matters addressed in the IPRA?

A.29 They are addressed in Vol. I, Chapter 2, Sections E and F; Vol. VII, Chapter 1, Section C; and Vol. VII-7-SOP-6, 8.

Q.30 Who are the responsible officials?

A.30 The Governor of Illinois or his representative will first make a general announcement regarding the accident. The County ESDA's initiate the activation of the PANS, as explained earlier. The County ESDA's are also responsible for the selections and broadcast of scenario-specific messages.

Q.31 What procedures or guidance is offered by the IPPA?

A.31 When the licensee notifies ^{the State} ~~IESDA~~ of the existence of an emergency, ^{the State} ~~IESDA~~ evaluates the situation and, if necessary, notifies the County Sheriffs' dispatchers to activate the system. The system includes sirens and appropriate announcements through those sirens with voice capability, and the mobile alerting as required. The prompt notification system will alert the public to tune to the EBS stations which are identified on page 15 of Vol. VII, Chapter 1, and in the public information brochure, for Braidwood Station. The scripts for the prompt notification announcements and the EBS broadcasts are included as Annex 1A to this Chapter, and Volume ^{VII} 7-SOP-8 Attachments C, D and E.

The prompt notification system will be targeted to specific populations. The 10 mile EPZ is divided into 16 sectors of 22.5° and each sector is divided into three zones. The first zone is from zero to two miles from the power plant; and the second is from two to five miles from the plant; and the third is from five to ten miles. The decision making process by which the ^{State} ~~IESDA~~ determines when to notify the public of an accident includes a system for determining which of these sectors and zones are affected. The messages which are generated by this process are particularized in that only the affected areas given specific route evacuation instructions in the event an evacuation is ordered. See Attachments C, D., and E to Vol. VII-7-SOP-8.

Generally speaking, the affected population is that which is in the down-wind plume pathway EPZ. The population within the 2-mile radius of the station will be ^{sheltered or} evacuated prior to or simultaneously with any sector determined by field survey teams and ^{or} the conditions of the nuclear power station during the accident.

Public notification of protective actions is based on distance and direction from the nuclear power station. Prescribed messages contained in IPRA Volume VII SOPs Braidwood 7-SOP-8 are by mile/sector combinations. The IESDA has written the EBS prescribed messages to use familiar landmarks (roadways, waterways, political boundaries, or other geophysical features) for easy identification by the public.

Q.32 Are there any special arrangements for the notification of the transient population?

A.32 The transient population receives the emergency notification in much the same manner as the residential population. In addition to the mailing of the public information brochure which contains emergency preparedness information and instructions, the State and applicant made bulk distribution to organizations, businesses, institutions, industries, and government agency and department offices and other places where the public and transients frequent.

The brochure directs attention to sources for immediate emergency information. When the accident escalates to the point it becomes necessary to move a population, law enforcement personnel and other assigned personnel will be positioned at roadway junctions to direct traffic out of the area being evacuated and away from the plume to the reception and care centers.

The IESDA is studying the placement of signs in facilities where transients frequent which direct them, upon hearing the outdoor sirens ~~or indoor tone-alert radios~~, to listen to the primary EBS radio station for specific instruction.

Q.33 Does the IPRA make any provisions for people who might not be near a radio or television?

A.33 This not specifically addressed by IPRA. However, the sirens in the recreational areas, where the situation is most likely to occur,

have the capacity to carry voice messages. This public address capability could direct individuals to the nearest official source of information. In addition, the ^{mobil public} ~~route~~-alerting component of the PANS has the same capability.

Q.34 In what way have you verified the adequacy of these procedures?

A.34 The emergency planning elements and procedures for notifying the resident and transient populations have been reviewed by the RAC and found to be adequate. The implementation of the procedures and messages was a part of the November 6, 1985, joint radiological emergency exercise. I participated in the evaluation of this exercise. The implementation of the delivery system was found to be effective and adequate. The certification demonstration of the PANS is scheduled for 1986.

Q.35 What conclusions have you come to with regard to the dissemination of information to the residential and transient populations of the EPZ at that the time of an accident?

A.35 I find, as did the RAC, that the provisions of the IPRA for the prompt notification of the public to be adequate. It is also my judgment that the plan can and will be implemented so as to give the public adequate information to allow safe evacuation or sheltering.

OFFER OF PROOF ISSUE 4

Q.36 What does Rorem Offer of Proof Issue 4 state?

A.36 Offer of Proof Issue 4 states:

The Program for notification of the public at the time of an accident is deficient in that it provides no means of informing employers in the EPZ as to what actions they should take with respect to facility shutdown, sheltering, or the release of employee personnel in the event that evacuation is required.

Q.37 What is the scope of your testimony on Offer of Proof Issue 4?

A.37 My testimony will address the special attention that is given to major employers, that is, those with more than 25 employees. These employers are encouraged, but not required, to have plans in place for the sheltering or evacuation of their employees. This is not to suggest that no attention is given to smaller employers, but only that the logistics of evacuating or sheltering larger concentrations of employees are more complex than is the case with smaller groups. All groups of employees receive the same benefit from the prompt notification system as the general public.

Q.38 Where are these matters addressed in the IPRA?

A.38 Attachments F, G, and H to Vol. VII-7-SOP-8, contain a comprehensive list of special facilities, including major employers, within the 10 mile EPZ. The list identifies the sector, zone, and community that each facility is in, as well as the name and phone number of an individual to contact in the event of an emergency. At various places throughout this 7-SOP-8, there are references to the

notification of major employers. Sections 4.1(E), 4.2(E), 5.1(E), 5.2(D), 6.1(E), 6.2(e).

Q.39 Who are the responsible officials?

A.39 The notification of employers is carried out by local officials. The sheriff and other local law enforcement officials are responsible for notification of major employers and the recommendation of protective actions.

Q.40 What procedures or guidance are provided by the IPRA?

A.40 Volumes I and VII and Volume VII SOPs of the IPRA contain the planning and instructions to notify employers in the Braidwood Nuclear Power Station EPZ. IPRA Volume VII 7-SOP-8 outlines the responsibilities and actions to be taken by designated officials of the three counties in the 10-mile EPZ. The attachments F, G, H to 7-SOP-8 contain comprehensive lists of the special concerns and facilities. I have personally contacted some of the special concerns and facilities.

The local officials have the responsibility of notifying the public and structured groups and organizations. It is their responsibility to notify them of the need to take protective action to protect the health and safety of those individuals under their care and direction. The local officials cannot direct the employers on facility shutdown. Many industries and businesses have a set procedure

which may require time and some manpower to accomplish an orderly ceasing of operation.

Th IESDA and the IDNS conducted training for specific groups and organizations in the EPZ of the Braidwood Nuclear Power Station as they have done in all the other nuclear power stations in Illinois. The training consists of organization of planning and the structure for implementing planning. It provides good in-depth participation and demonstration with respect to radiological exposure and protective actions. The training is open to any organized group of citizens and officials on request. The State conducts the first and subsequent annual training as a required by the IPRA. However, training can be requested at any time.

The structured groups and organizations such as industries and businesses have, in most cases, emergency plans which cover a multitude of emergency situations. Among those emergencies is the need to evacuate the premises. Particularly in the case of employers, employees have their own means of transportation to get to work, therefore there would be sufficient transportation to transport the work force from the area in the event of a recommendation to evacuate.

The sheriff and other local law enforcement officials are charged with traffic control responsibilities. Roadblocks are planned to move traffic out of the affected sectors away from the plume. The

evacuated employees would be directed to shelters if their domicile is in the affected sectors.

If the recommendation to shelter is made, most of the buildings can be closed sufficiently to afford protection to those who would be housed inside. In some cases shelter areas exist within the buildings such as basements and tornado shelters.

Q.41 What conclusion have you reached as to the notification of employers in the event of an emergency?

A.41 The recommendations for protective actions to employers are much the same as they are for the general public with respect to shelter-in-place or evacuate. The RAC reviewed the special concerns and facilities portion of the IPRA Braidwood Plans and found them to be adequate. I concur in this judgment. I find that the IPRA makes adequate provision for notifying employers for the purpose of advising employees of protective actions to be taken in the event of an emergency.

OFFER OF PROOF ISSUE 6

Q.42 What does Rorem Offer of Proof Issue 6 state?

A.42 Offer of Proof Issue 6 states:

Applicant's public information program is deficient in that it fails to set out the means by which the public will be informed during an emergency of re-entry protective measures to be followed by the public in an emergency and the content of such means with respect to information concerning decontamination and interdiction of the foodstuffs.

water supplies, dairy and livestock, and field and garden crops.

Q.43 What is the scope of your testimony regarding Offer of Proof Issue 6?

A.43 In my testimony, I will describe the way in which the contamination of food, water, and livestock is assessed and information on that subject is communicated to the public. The issue of restricted and unrestricted re-entry into the EPZ after an accident was discussed earlier under Offer of Proof Issue 2. I would incorporate that discussion by reference rather than repeat it here.

Q.44 Where is the treatment of contaminated food, water and livestock discussed in the IPRA?

A.44 This issue is addressed in Chapters 2 and 5 of Volume I and in Volume VII, 7-SOP-11, Sections 4 through 6, Attachments A through D, and several sections of the State SOPs Vol. I.

Q.45 Who are the responsible officials?

A.45 The IDNS is responsible for all aspects of radiation exposure, including the determination of when and under what restrictions it is safe to reenter the EPZ. The Illinois Department of Agriculture (IDA) is responsible for the treatment of foodstuffs. The IESDA will furnish information to the news media through the JPIC. County ESDAs will activate appropriate EBS messages.

Q.46 What procedures or guidance are offered by the IPRA?

A.46 Chapter 2 of Volume I of the IPRA is entitled Concept of Operations. Section 5 deals with Parallel Actions, which include public information, radiation control, and re-entry. The IDNS is responsible for all aspects of radiation exposure. Chapter 5 (Technical Functions), Section G.1 (Radiation Aspects of Technical Functions) gives a more detailed account of the role of IDNS in this regard. Section 5, Part (1), outlines the authority of the IDA to inspect, condemn, embargo, and confiscate unwholesome foodstuffs. The IDA will make such inspections and determinations as called upon by the IDNS.

Prior to re-entry, the IDA will monitor agricultural and horticultural products to assure that they are safe for commercial distribution. The IDA will report its findings to the IDNS. As stated in Section 5 (g), Chapter 2, Volume I, the IDNS will determine when and under what restrictions it is safe for the public to re-enter the affected area and public notification procedures will be implemented.

The EBS scripts for the re-entry announcements are general. In the case of unrestricted re-entry, no enhancements on the subject of foodstuffs are necessary. In a partially restricted re-entry, appropriate information will be added. It is accepted that much of the protective action instruction for re-entry will have to be developed as data is gathered from field surveys. Many variables

will enter into the determination for safe re-entry and the protective actions to be implemented.

Q.47 What conclusion have you come to with regard to protection of the public from contaminated foodstuffs?

A.47 I find that the plan makes adequate provisions for informing the public concerning protective measures to be taken regarding foodstuffs at the time of re-entry.

CONTENTION 1(b)

Q.48 What does Rorem Contention 1(b) state?

A.48 Contention 1(b) states:

1. Intervenor contends that an adequate emergency plan for the Braidwood Station should include the following:
 - (b) assurance that institutions within 10 miles of the Station, such as nursing homes, can be evacuated or adequately protected in the event of a radiological emergency.

Q.49 What is the scope of your testimony regarding Contention 1(b)?

A.49 I will testify about the provisions in the IPRA for the sheltering or evacuation of the people in schools, institutions such as nursing homes, and recreational areas.

Q.50 Where are these matters addressed in the IPRA?

A.50 Arrangements for sheltering or evacuating these people are found in Volume I and VII of the IPRA and in the SOPs (Standard Operating Procedures of Volume VII).

Q.51 Who are the individuals or officials responsible for carrying out these procedures?

A.51 Once the ^{state} ~~IESDA~~ recommends either sheltering or evacuation, the chief elected official of each unit of local government is charged with the responsibility of notifying key staff and local or area organization of the need to take protective action.

Q.52 What procedures or guidance for sheltering are offered by the IPRA?

A.52 In the documents referred to above, particularly the Volume VII SOPs, the arrangements and responsibilities for implementing protective actions and the protective actions are highlighted. For example, if the utility and State recommend shelter in place, institutions such as schools and nursing homes have trained personnel and plans to care for individuals at those locations. The Standard Operating Procedures (7-SOP-10 of Volume VII) provide specific guidance for sheltering in such institutions. If the sheltering-in-place option is selected, educational institutions, licensed day care centers, and senior centers would be advised to close doors, windows, and shut down air exchange systems which circulate or mix inside and outside air and implement specific instructions in the SOPs.

Q.53 What procedures or guidance are provided by the IPRA for evacuation?

A.53 The Standard Operating Procedures of 7-SOP-10 of Volume VII provide specific guidance for the evacuation of institutions such as nursing homes, schools, licensed day care centers, and recreational areas.

If the order was given to implement evacuation procedures, responsible officials identified in the IPRA Volumes would implement the SOPs, evacuating that portion of the population in the plume exposure pathway of the EPZ. The Braidwood plan has detailed procedures designating by title the individuals responsible for giving the order to evacuate, the points of contact at institutions the actions these points of contact are to take, and the coordination of the necessary materials, supplies and transportation. See Vol. VII Chapters 7-SOP-8, 7-SOP-9 and 7-SOP-10.

If nursing homes are to be evacuated, the residents might require special arrangements for transportation. Another group of people in the Braidwood EPZ who have special needs are those who live alone or who may be alone during some portion of the day and have a physical or medical impairment or no transportation. Provisions are made for these groups of people in the IPRA. As part of the Braidwood plan, the Braidwood public information brochure has a section (6) which solicits submission of information from the public on people with special needs. The county and public social service

agencies also gather this information. A list of the people with special needs has been compiled and is retained in confidentiality at the county ESDA office in each of the three counties. For each such person, special arrangements have been planned.

In the case of schools, school buses and drivers will be mobilized to transport students and school personnel from the school to designated congregate care shelter locations in accordance with 7-SOP-9 of the IPRA. Licensed day care facilities or nursery schools will evacuate in staff vehicles and additional school buses as needed. Specific instructions for nursery schools are included in IPRA's 7-SOP-9 Attachment J.

Recreational areas require special treatment. Those living in mobile facilities in camp grounds and parks would be ordered to move from the area of potential risk. Patrons of recreational areas where no large permanent housing exists such as swimming areas, picnic grounds, hunting and fishing sites and golf courses, would be directed to leave the area of potential risk.

Q.54 Have you in any way verified that these plans will be carried out?

A.54 Yes. During my visit to the 10 mile EPZ of the Braidwood I contacted a random sample of representative institutions and individuals to discuss their implementation of emergency planning and response to an emergency at the Braidwood Station. I met with individuals representing schools, senior centers, nursing homes,

businesses, industry as well as, residents and visitors to recreational areas and found people to be cognizant of emergency planning matters. I also attended training sessions sponsored by IESDA and IDNS for emergency workers, municipal executives and police departments.

Q.55 What conclusion have you come to regarding Rorem Contention 1(b)?

A.55 I believe that the IPRA provides reasonable assurance that special concerns such as nursing homes, schools, and recreational areas are provided for in planning and can be protected or evacuated in the event of a radiological emergency.

I base my position on the comprehensive planning in the IPRA Volumes I and VII and the implementing SOPs to both volumes. Schools and special concerns are addressed in those volumes and instructions are given in Volume VII SOPs 9 (schools) and 10 (special concerns). Recreational areas are provided for by the sheriff in coordination with the county ESDA coordinator and the superintendent of schools, Volume VII, SOP 8.

During my visits to the Braidwood area I have made contact with community leaders, businesspersons, and citizens and have gained assurance of their knowledge of the emergency response to an accident at the Braidwood Station. I have also contacted several persons by telephone using the information in the plans.

1 JUDGE COLE: 24.

2 JUDGE GROSSMAN: -- 24, which will
3 nevertheless be included in the transcript for reference
4 purposes.

5 MR. FLYNN: Okay.

6 JUDGE GROSSMAN: You may proceed, Mr. Flynn.

7 MR. FLYNN: I have nothing further at this
8 time.

9 The witness is available for cross examination.

10 JUDGE GROSSMAN: Ms. Rorem?

11 MS. ROREM: Thank you.

12 CROSS EXAMINATION:

13 BY MS. ROREM:

14 Q Mr. Wenger, on Page 3, do the pages follow the same all
15 the way through on either copy?

16 I am using the new testimony.

17 A Yes.

18 Q Page 3.

19 Question 3 and Answer 3, you have stated that -- in
20 the last sentence -- that the IPRA is a record of the
21 responsibilities which have been assigned to various
22 officials of state and local government and utility
23 companies.

24 Is that correct?

25 A Yes.

1 Q In what way are there provisions for insuring that these
2 responsibilities are clearly understood by each and
3 every public official?

4 A I don't believe I stated there are provisions. I say,
5 it's a record of responsibilities.

6 Q Okay. In what way does IPRA provide for a record -- I
7 believe that's my question -- if IPRA is a record of
8 responsibilities, how was it assured that each and every
9 public official, who has duties and responsibilities
10 under IPRA, is adequately informed?

11 A Due to the planning process that's taken place and the
12 involvement of these organizations, there is reasonable
13 assurance that it will be carried out.

14 Q Are you saying that -- that -- that means meetings and
15 training sessions are adequate to assure that all of
16 these public official are adequately trained?

17 A The training and exercising that takes place, there is
18 reasonable assurance that they are adequately trained.

19 Q But the exercises are limited, are they not -- I am not
20 supposed to say -- the exercise is limited in any way?

21 A Could you expand upon what you mean by "limited"?

22 Q When an exercise takes place, are public officials aware
23 that the exercise is to take place?

24 A There is some spontaneity to the exercise program, in
25 that they are not given information ahead of time as to

1 the date and time; but they -- a specific date and time;
2 but they have a framework of reference for when the
3 exercise will take place.

4 Q So they are on alert that, at some point in a given
5 amount of time, there will be an exercise conducted?

6 A They are sensitized to this, yes.

7 Q So that they don't plan to go on vacations during this
8 time or leave the area?

9 A I cannot say that.

10 Q If there is an accident, these same public officials are
11 not aware that an accident will take place, are they?

12 JUDGE GROSSMAN: Excuse me, Ms. Rorem.

13 What contention are we on now?

14 MS. ROREM: I think this is somewhat general;
15 but it's dealing with the specific.

16 When I think about public officials, I think about
17 their duties and responsibilities in terms of evacuating
18 special facilities.

19 Mr. Wenger --

20 JUDGE GROSSMAN: So we are on the
21 subcontention dealing with special facilities?

22 MS. ROREM: Yes.

23 JUDGE GROSSMAN: You are going to connect
24 this up to special facilities then?

25 MS. ROREM: Well --

1 JUDGE GROSSMAN: If you are not, then, you
2 know, there is no point to going into this.

3 MS. ROREM: Whether or not school officials
4 are prepared for handling an accident will matter a
5 great deal and will depend to a large extent about --
6 upon the activity of the public officials who may
7 contact them and to have to know what their duties and
8 responsibilities are.

9 JUDGE GROSSMAN: If you are doing this in the
10 context of contacts with school officials and you are
11 going to tie that in, we will allow you to go ahead; but
12 to the extent you don't tie it in, really, is just going
13 to waste our time here, and you certainly won't be able
14 to refer to it in your proposed findings, so you are on
15 notice for that; but you can rephrase your last
16 question, because the witness had trouble with it
17 anyway, and so did we.

18 BY MS. ROREM:

19 Q Are school officials some of the public officials who
20 are involved in exercises?

21 A Yes.

22 Q Are these school officials aware of the fact that an
23 exercise will take place?

24 A To the same degree as governmental officials are.

25 Q Okay. Isn't it true that, if there is an exercise which

1 evacuates schools, that school officials have to be
2 aware of it?

3 MR. EDGAR: I object to the form of the
4 question. It's an "isn't that true?"

5 JUDGE GROSSMAN: Overruled.

6 Would you please repeat the question, Mr. Reporter.
7 Do you want the question?

8 THE WITNESS: I do, yes.

9 (The record was thereupon
10 read by the Reporter.)

11 A And the answer to that is yes.

12 BY MS. ROREM:

13 Q Are -- is every part of the plan which may involve
14 school officials, exercise -- in an exercise -- in other
15 words, are there parts of the plan -- I'm sorry. I
16 don't mean to ask compound questions, but I realize I
17 asked an ambiguous one.

18 Are there parts of the plan which are -- which
19 involve schools and school officials -- which are never
20 exercised in an -- in an exercise?

21 A I can't answer that, when you say "never."

22 Q Are all parts of the plan -- for instance, has there
23 ever been the evacuation of an entire school?

24 A No, not for a nuclear power plant demonstration.

25 Q And not for IPRA; correct?

1 A I don't know.

2 The reason I state I don't think so, I am speaking
3 only to a nuclear power plant demonstration.

4 IPRA covers more than a nuclear power plant
5 malfunction, it covers transportation accidents.

6 I am not involved with that, I am involved with the
7 nuclear power plant function.

8 Q Okay. With regard to nuclear power plants, there are
9 parts of the plan -- for instance, the evacuation of an
10 entire school -- which have never been exercised;
11 correct?

12 A Not correct.

13 Maybe I don't understand the question thoroughly.
14 I am trying not to be overly technical.

15 Could the question please be rephrased to me?

16 JUDGE GROSSMAN: Could you repeat that, Mr.
17 Reporter.

18 (The question was thereupon
19 read by the Reporter.)

20 A (Continuing.) With regard to the entire evacuation of
21 the school, that is correct, they have never been
22 exercised.

23 BY MS. ROREM:

24 Q Are there any other instances where parts of the plan
25 which might involve schools or school officials have not

1 been exercised?

2 A I don't think I can answer that question.

3 JUDGE GROSSMAN: There are no other instances
4 that you can think of; is that the reason why you can't
5 answer that?

6 THE WITNESS: The question is confusing to me.

7 JUDGE GROSSMAN: Perhaps you can rephrase it
8 in some way that he could understand it, Ms. Rorem.

9 MS. ROREM: I'll try.

10 JUDGE GROSSMAN: Let me ask you a question.

11 Are there any other items, with regard to the
12 schools, other than entire evacuations, that have not
13 been exercised, to your knowledge?

14 THE WITNESS: No.

15 MS. ROREM: Okay.

16 BY MS. ROREM:

17 Q Have the responsibilities of school bus drivers during
18 re-entry ever been exercised?

19 MR. EDGAR: Objection on relevance.

20 Ms. Rorem herself moved to strike the testimony of
21 Mr. Wenger having to do with implementing actions during
22 re-entry.

23 Contention or Offer of Proof Issue 6 deals with the
24 contents of re-entry messages.

25 Now, that question gets into implementing actions

1 during re-entry.

2 If we are to accept Ms. Rorem's own motion to
3 strike and act consistently, that question is
4 objectionable.

5 MS. ROREM: I withdraw the question.

6 JUDGE GROSSMAN: I beg your pardon?

7 MS. ROREM: I withdraw the question.

8 JUDGE GROSSMAN: Mr. Wenger, might there be
9 some other elements of the plan, with regard to the
10 schools, that have not been exercised, that you
11 currently don't remember or are unaware of?

12 THE WITNESS: I can't think of any.

13 JUDGE GROSSMAN: Fine.

14 BY MS. ROREM:

15 Q Mr. Wenger, have you ever sheltered an entire school
16 during an exercise?

17 A Has the State of Illinois or the local communities ever
18 sheltered?

19 Q Yes.

20 An entire school?

21 A An entire school population?

22 Q Yes.

23 A During an exercise?

24 Q Yes.

25 A Not to my knowledge.

1 Q Would you say those are the two major responsibilities
2 for school officials under IPRA, to shelter and to
3 evacuate?

4 A No.

5 Q Why wouldn't you say that?

6 A Because school officials have a responsibility to
7 coordinate busing activities to transport people from
8 the affected area.

9 JUDGE GROSSMAN: Isn't that part of the
10 evacuation?

11 THE WITNESS: Yes.

12 JUDGE GROSSMAN: Well, considering that part
13 of the evacuation, wouldn't the two main functions of
14 the school officials then be to evacuate and to shelter?

15 THE WITNESS: In that sense, yes.

16 BY MS. ROREM:

17 Q On Page 10, Question and Answer 18, concerning the
18 Emergency Response Plan for Braidwood Station exercise,
19 you say that the RAC found the plan to be adequate in
20 that regard and you concur.

21 Could you tell me what were some of your criticisms
22 of that exercise?

23 MR. FLYNN: Objection.

24 JUDGE GROSSMAN: I am confused.

25 MR. FLYNN: Excuse me.

1 The exercise concerned a lot more than -- well, I
2 am not sure which.

3 JUDGE GROSSMAN: First of all, are we on the
4 right question and answer here?

5 MS. ROREM: 10 and 11.

6 MR. FLYNN: The -- the context of Question 18
7 is Contention 1(a), and is more involved than the
8 exercise.

9 The question is restricted to the parts of the
10 exercise and the exercise review that pertain only to
11 question 1(a). I would agree that it's permissible, but
12 to the extent that it courses the entire exercise, I
13 would say say it's overly broad and irrelevant.

14 JUDGE GROSSMAN: What question are we on, Ms.
15 Rorem, 17 and 18?

16 MS. ROREM: It's at the bottom of Page 10.

17 JUDGE GROSSMAN: I thought you had said
18 Question 10.

19 MS. ROREM: Oh, I'm sorry.

20 JUDGE GROSSMAN: It may be my fault, but we
21 are on Question 18 now, and I will have the Reporter
22 read back the question you posed and the objection by
23 Mr. Flynn.

24 (The record was thereupon
25 read by the Reporter.)

1 JUDGE GROSSMAN: Ms. Rorem, we will sustain
2 the objection.

3 If you want to make your question more specific
4 with regard to the contention, we might possibly allow
5 it.

6 BY MS. ROREM:

7 Q Mr. Wenger, what were some of your criticisms concerning
8 sheltering of any special facilities?

9 A I still don't have enough information to answer that
10 question.

11 Are you addressing the exercise or the RAC's review
12 of the plan?

13 Q I am -- I am -- the RAC's review, in your criticisms of
14 the exercise, have you any criticisms of the exercise --

15 A Of the exercise?

16 Q -- as regards sheltering?

17 MR. FLYNN: Same objection.

18 Your Honor, Contention 1(a) deals with a program
19 for informing the public for means of obtaining
20 instructions for evacuation and other protective
21 measures.

22 The question was addressed to evacuation itself,
23 rather than the means of informing the public.

24 MS. ROREM: Excuse me. I felt I also could
25 discuss any criticisms -- criticisms he might have had

1 of the exercise as regards Contention 1(b).

2 JUDGE GROSSMAN: If I understand this, you
3 are saying now that is related to Contention 1(b)?

4 MS. ROREM: No. It might be related to both
5 parts of the contention.

6 JUDGE GROSSMAN: Well, with regard to
7 Contention 1(a), could you point to any material facts
8 that you have indicated in your offer of proof that this
9 relates to?

10 MS. ROREM: Not the question about sheltering
11 special facilities, but if I were to restructure the
12 question and ask about public information --

13 JUDGE GROSSMAN: Well, if you are withdrawing
14 the question and posing another, we will rule on the
15 other question.

16 MS. ROREM: I guess what I am asking:

17 Is it permissible for me to ask what criticisms he
18 might have had of the exercise in regard to Contention
19 1(b)?

20 JUDGE GROSSMAN: If you are relating this
21 question to 1(b).

22 MS. ROREM: I guess I would like to ask
23 questions on both 1(a) and 1(b) with regard to the
24 exercise.

25 JUDGE GROSSMAN: Well, Ms. Rorem, if there is

1 an objection to your question, that it is going beyond
2 the scope of what we have here, and you oppose the
3 objection on the grounds that it's under 1(a) and 1(b),
4 we will examine both 1(a) and 1(b).

5 Apparently, the objection is valid with regard to
6 1(a).

7 Now, you are saying that your question is also
8 related to 1(b), and we will rule on that.

9 MS. ROREM: Yes, yes. The question as it
10 originally was posed, I understand, is too broad and
11 includes matters both outside of 1(a) and 1(b); but in
12 Mr. Flynn's objection, he mentioned that I should be
13 talking about 1(a).

14 JUDGE GROSSMAN: No, you can fit it in under
15 either 1(a) or 1(b).

16 MS. ROREM: Yes.

17 JUDGE GROSSMAN: But it doesn't fit under one
18 of them.

19 MS. ROREM: Okay.

20 JUDGE GROSSMAN: Just refer to the other one
21 that you think this fits in.

22 MS. ROREM: That's what I did.

23 JUDGE GROSSMAN: So I didn't waste any time,
24 you did say it fits under both, and we decided it
25 doesn't fit under 1(a), and now we will consider that it

1 might fit under 1(b).

2 MS. ROREM: I am confused.

3 JUDGE GROSSMAN: It appears as though, if
4 you're referring to 1(b), that the question is a proper
5 one.

6 Do you understand the question now, Mr. Wenger?

7 THE WITNESS: No; but I think I need counsel
8 with my attorney first.

9 JUDGE GROSSMAN: You wish to confer with your
10 counsel?

11 THE WITNESS: Yes.

12 JUDGE GROSSMAN: Fine. Why don't you?

13 MR. EDGAR: I have lost -- is there a
14 question pending? I am confused --

15 JUDGE GROSSMAN: There is a -- we will have
16 the Reporter read it again.

17 (The record was thereupon
18 read by the Reporter.)

19 JUDGE COLE: The answer is going to be too
20 far away question from the question.

21 JUDGE GROSSMAN: Okay. We are going to
22 overrule -- I am sorry -- we are going to sustain the
23 objection, and -- let's go.

24 Are we back on the record?

25 THE REPORTER: Yes, sir.

1 JUDGE GROSSMAN: -- because that is still too
2 broad a question.

3 If it's directed towards sheltering with regard to
4 institutions, such as nursing homes or schools, then we
5 will entertain such a question.

6 So, Ms. Rorem, will you please restate a question
7 for the witness.

8 In other words, if you are going to ask him about
9 all the inadequacies with regard to sheltering, but not
10 directed toward special facilities, it's too broad for
11 us.

12 MS. ROREM: The question that was asked just
13 before that did say of special facilities.

14 JUDGE GROSSMAN: Okay. But rather than
15 having to incorporate two questions --

16 MS. ROREM: Yes.

17 JUDGE GROSSMAN: -- into one, why don't you
18 state another question for the witness.

19 BY MS. ROREM:

20 Q Were there any criticisms, on either RAC's part or your
21 part, of the exercise as regards sheltering or
22 evacuation of any special facilities?

23 A No.

24 Q Thank you.

25 Were there any objection or any criticisms, on

1 either your part or RAC's part, of the public
2 information associated with the exercise?

3 MR. EDGAR: Objection.

4 That's too broad.

5 That doesn't relate down into the offer of proof,
6 material facts.

7 JUDGE GROSSMAN: Well, let's change that
8 question with regard -- to add to it, the limitation as
9 to any of the areas covered in the material facts stated
10 by Ms. Rorem in her reply to Applicant and Staff's
11 motions.

12 Have you seen the material facts stated by Ms.
13 Rorem as being in issue in this proceeding, in that
14 document entitled, "Reply to Applicant and NRC Staff
15 Motions for Summary Dispositions on Offer of Proof
16 Issues"?

17 THE WITNESS: I have seen that.

18 JUDGE GROSSMAN: You have?

19 THE WITNESS: Yes.

20 JUDGE GROSSMAN: Now, if you take the
21 question in the context of having to relate to any of
22 these material issues, were there any such?

23 Can you answer the question?

24 THE WITNESS: The question, if I recall, was
25 any discrepancies in the public information

1 demonstration during the Braidwood exercise?

2 JUDGE GROSSMAN: Yes.

3 JUDGE COLE: Although the question didn't
4 have the word "demonstration" in it, I think that would
5 be implied.

6 Just use the term, "public information."

7 THE WITNESS: Give me a moment to ponder
8 that, because within a short period of time we had
9 another exercise, and so I can clarify the two.

10 I don't recall any that were of a serious
11 magnitude.

12 BY MS. ROREM:

13 Q But there were some criticisms?

14 A Yes; but I don't think they are really relevant, in that
15 it was like the placement of a table at the entrance for
16 security measures and those things; but as to getting
17 out of information, no.

18 Q Were there any criticisms of the substance of the
19 information provided during the exercise --

20 A I don't recall.

21 Q -- of the public information during the exercise?

22 A I don't recall any.

23 Q Does that mean that you don't know or that there were
24 none?

25 A I don't believe there were any.

1 Q Do you -- but you don't really know one way or the other
2 whether there were or not?

3 MR. EDGAR: Objection.

4 Asked and answered.

5 A I cannot be.

6 JUDGE GROSSMAN: It has been, Ms. Rorem; and
7 when you asked for a negative like this, it's impossible
8 to give any further answer. The witness can only
9 testify as to what he knows.

10 BY MS. ROREM:

11 Q Okay. Mr. Wenger, on Page 11, Question and Answer 20.

12 After an accident occurs, do you feel that the
13 information which is given to the public is adequate to
14 inform them of radiological hazards which might be
15 encountered by them on re-entry?

16 A I cannot conclude that, because there is -- there are
17 general statements which will be read; but additional
18 information will be a result of the accident itself,
19 what further the ESDA and IDNS officials may deem
20 necessary to inform the public.

21 Q How will they inform the public?

22 A There are two mechanisms, one being through the
23 Emergency Broadcast System, and the other being through
24 the -- what is known as the News Media Center, or
25 referred to as the JPIC, Joint Public Information

1 Center.

2 Q When you refer to the EBS stations, are you referring to
3 the prescribed messages only?

4 A For re-entry, following an accident?

5 Q Yes.

6 A Which I think you are referring to in 7-SOP-11?

7 Q Yes.

8 A Dependent upon if it's restricted re-entry or general
9 re-entry, those are the messages -- the general message
10 will be read, but other information will be available.

11 Q But those are the only messages that have been developed
12 to date, then?

13 A In that hard form, yes.

14 But that does not preclude any other information
15 being developed, and there is provisions in IPRA for
16 doing that.

17 Q The information that -- in the prescribed messages --
18 does not speak about radiation, does it?

19 A I am familiar with those messages, but I would have to
20 read them to be that specific.

21 At this point, that's a fair statement, I believe.

22 THE WITNESS: That's okay. Please excuse me.

23 MS. ROREM: That's fine.

24 THE WITNESS: I have a muscle spasm.

25 That's okay. I will be okay.

1 JUDGE COLE: Here. Let's raise that
2 microphone up.

3 (Indicating.)

4 THE WITNESS: Thank you.

5 MS. ROREM: If the witness would like to take
6 a break, I am more than willing to do so.

7 JUDGE GROSSMAN: He's always welcome to ask
8 for a break, if you prefer, but I think you prefer to go
9 on.

10 THE WITNESS: I would like to proceed so we
11 can accomplish all we possibly can; okay?

12 MS. ROREM: Okay.

13 BY MS. ROREM:

14 Q Have any procedures been developed for dissemination of
15 information concerning radiological dangers to the
16 public before re-entry or during re-entry into the EPZ?

17 A Could you restate that, please?

18 Q Have any procedures been developed for disseminating
19 information to the public about radiological dangers
20 upon -- before or upon re-entry into the EPZ?

21 A Yes.

22 Q Would you describe those procedures?

23 A That's quite a task, and that's getting a little bit out
24 of my area of expertise; but I would have to say that is
25 provided for in the IPRA to Volume 1, which is the State

1 general plan. There are the SOPs, which largely cover
2 the activities of the IDNS.

3 Q They describe them generally, don't they?

4 A They are characterized in a general way; and they will
5 be, once again, with greater specificity, at the -- at
6 the latter part of an accident.

7 As you state in re-entry recovery phases, there is
8 the latitude within those plans to expand those SOPs or
9 the announcements, and it's drawing on the knowledge and
10 the wisdom of the Illinois Department of Public Health
11 and the Illinois Department of Agriculture, other State
12 agencies, which serve as counsel and advisors to IDNS.

13 Q Are there plans specifically in IPRA, or dealing with
14 any factual information to be given, besides that which
15 will be given via EBS messages or through the media
16 center?

17 A It's hard for me to draw that conclusion.

18 I guess I would have to say at this time, no, there
19 are no factual, hard-copy documents, other than the two
20 that we have mentioned already, to make the public aware
21 of it.

22 Q Thank you.

23 Mr. Wenger, on Page 18, Question and Answer No.
24 32, deals with the transient population, and the
25 information which the transient population receives.

1 You state that Applicant made bulk distribution to
2 organizations, businesses, et cetera.

3 Do you know the size of these bulk distributions?

4 A I know the size of that distribution to the extent that
5 I was provided a printout by the State of Illinois of
6 the number of copies made available to specific
7 addresses and organizations, yes.

8 I do not have that with me.

9 Q Do you know what the general number of copies delivered
10 to any location were, such as businesses or --

11 A When reviewing that document, I recall numbers like 200,
12 100, 50.

13 Q We are talking about businesses.

14 Did the numbers of brochures made available roughly
15 correspond to the number of employees at those
16 businesses?

17 A No.

18 Q Do you know what any basis was for determining that it
19 wasn't necessary to distribute the number of brochures
20 adequate to cover all employees?

21 A As I recall, in reviewing the material that was provided
22 me, which was -- there was an explanation and a cover
23 letter, it indicated a bulk distribution was made,
24 memory serves me correct, in so many -- the idea is that
25 discussions were held with the people at those

1 locations, and it was indicated by that business the
2 number of copies they felt would be necessary, and it
3 indicated, I believe, if any more copies were necessary,
4 they could be contacted, the Illinois ESDA would get
5 them to them.

6 I think it --

7 Q 200 --

8 A Excuse me.

9 Q 200 was the upper limit on the number of -- of copies
10 you recall being distributed to any one location?

11 A Well, it broke it down in this manner:

12 It said that every addressee and every service user
13 mailing was made, and then the bulk distribution, and it
14 listed recreational locations, motels, county offices,
15 ESDA offices and such, and it gave numbers.

16 I can't be certain that 200 was the upward number.

17 Now that you mention it, the number 500 comes to
18 mind

19 Q Do you remember at what location that it comes to mind?

20 If it doesn't come to mind at any particular
21 location --

22 A No.

23 And the question might be: "Why not?" Why don't I
24 look at that more closely.

25 I guess I base that on experience with this State

1 and with the utility, there being other power plants,
2 and knowing what is taking place, how they go about the
3 business of distribution, and for the fact that I had
4 visited Personal Products and talked with people there,
5 and I asked the question, and it happened to be before
6 any bulk distribution was made, if they had received
7 copies, and no, they hadn't at that point; but employees
8 had made indication that they had received these in the
9 mail; so my judgment would be that people who work
10 there, there is a good chance many of those people would
11 have copies, plus what might be made available through
12 the employer, is my rationale for feeling it was
13 provided for and covered.

14 Q So you -- but you do not know the same information about
15 transients who would be at various locations within the
16 EPZ, either at recreational facilities or passing
17 through?

18 A The transients receiving them or the distribution to
19 that location where they frequent?

20 Q The distribution to the locations.

21 A Well, once again, I have the addresses; and I can't
22 recall exact numbers. I have visited some of those
23 locations; and that was, of course, last October.

24 Q Could you tell me what some of the locations you visited
25 were?

1 A I drove along both sides of the river. I believe it's
2 referred to as Kankakee State Park, and went into some
3 of those areas. I guess it's on the north side of the
4 river, drove in.

5 Of course, in the fall, there were limited people
6 there, but I was looking for the things that you are
7 asking about.

8 Of course, the brochure was not -- as I recall --
9 not distributed at that time.

10 Q Why was it not?

11 It had been distributed to the --

12 A Early October, late September?

13 Q It had been delivered to the general public in time for
14 the -- well, when was it that you were along the
15 Kankakee River State Park?

16 A It's in my mind it was mid September.

17 Q So you didn't -- so you haven't been through these areas
18 or stopped at any any of these places since the
19 distribution of bulk quantities has been made?

20 A I have -- I have been through the area when the exercise
21 took place.

22 Q But you said you stopped at locations.

23 That stopping --

24 A Not.

25 Q That stopping was before the distribution was made?

1 A Yes.

2 I wanted to become more -- more familiar, on a
3 personal contact basis, with your area.

4 Q Could you tell me why, in Question 33, at the bottom of
5 that page, you leave "television" in there?

6 Is that because of the media center, use of
7 television, perhaps?

8 A Well, maybe a little explanation, in a general manner.

9 The Emergency Broadcast System in this area are two
10 principal stations, let's call them primary.

11 When the call is made from the county or from the
12 State to the EBS station to give them information for
13 broadcast, they are the two stations that will do your
14 other stations in the area. Radio, FM, AM, and
15 television will be monitoring them, and they will pick
16 up that same information and rebroadcast it; so those
17 would be secondary to where it says, "Does IPRA make any
18 provisions for people who might not be near radio or
19 television?" The assumption is: Maybe this is not
20 initially for the initial, primary message. That's why,
21 when you questioned that, I felt I should leave it in.

22 Q Okay. But not every person who might not be near a
23 radio or television would be in a rec area, would they?

24 A (No Response.)

25 Q Your question discussed that the situation was most

1 likely to occur in rec areas.

2 A I think the doubling up of your question has confused me
3 a little bit.

4 Q I'm sorry.

5 I didn't want to make you lean over to read.

6 A No; that's all right.

7 Could you give me the question again? Piecemeal
8 it.

9 Q Excuse me. I'm sorry. I am feeling for your back.

10 Not -- it -- is it true that not all people who are
11 not -- no, this is -- I am getting confused.

12 Not all people who are away from a radio or
13 television will be in a rec area; is this correct?

14 A Yes, that's true.

15 Q On Page 20, Question -- Question and Answer 37, can you
16 tell me how employers are encouraged -- I'm sorry -- to
17 have plans in place regarding the sheltering and
18 evacuation of their employees?

19 A CECo, Commonwealth Edison Company, and Illinois
20 Emergency Services, are quite visible at the State level
21 and in the community, and they are called upon to make
22 presentations; and there are local offices, of course,
23 with CECo there is a district office, and with ESDA
24 there is a county organization, and it's very active.

25 JUDGE COLE: I'm sorry.

1 What was that first acronym you were using?

2 THE WITNESS: CECo, which is the acronym for
3 Commonwealth Edison Company.

4 JUDGE COLE: I'm sorry.

5 A (Continuing.) What I am getting at is:

6 Maybe, by a secondary factor, they are made aware
7 of what's taking place in the communities; and the ESDA
8 organizations are eager to make presentations, make
9 materials, brochures, publications available. It isn't
10 only in light of nuclear power plants, but it's
11 tornados; so in these discussion there are many dangers
12 that a community faces, and they meet with civic
13 organizations, and there is a prompting to become
14 involved and to make plans for emergencies.

15 BY MS. ROREM:

16 Q But is there a specific campaign carried on by either
17 ESDA or the State or Commonwealth Edison to encourage
18 employers --

19 A Yes.

20 Q -- to?

21 A Yes.

22 Q Is there a specific program?

23 A Yes.

24 Q Can you describe that program?

25 A The ESDA and the IDNS have an ongoing training program

1 by regulation, according to NUREG, that they must
2 provide for a program of training and retraining.

3 Q But how does this program encourage employers to have
4 plans for a facility?

5 A The program is made known through meetings and
6 organizations which people attend, encouraging and
7 soliciting this training program.

8 It is, to a large degree, mandatory for emergency
9 organizations, but it's made available for any groups of
10 people, organizations, employers, to request this
11 information and training.

12 Q But it's made available.

13 That's different than having a program specifically
14 aimed at encouraging employers.

15 A It's not mandatory.

16 Q Has it been requested by all the major employers in the
17 EPZ?

18 A It has not been requested by all the major employers in
19 the EPZ.

20 Q On Page 23, it's Question and Answer 40, the second para
21 -- actually the first full paragraph at the top of the
22 page, you stated that, "If the recommendation to shelter
23 is made, most of the buildings can be closed
24 sufficiently to afford protection for those who are to
25 be housed inside."

1 You mean most of the buildings, in a specific way,
2 to an employer, or do you mean that in terms of overall,
3 most of the buildings?

4 A I can't differentiate between what you asked.

5 Q Okay. If an employer might have five or six buildings
6 in which work is going on, and you might mean that most
7 of those buildings can be closed sufficiently, or you
8 might mean, with this statement, that most of the
9 buildings in the EPZ, which house employees, could be
10 closed sufficiently.

11 Do you understand the difference?

12 A I understand your question.

13 My concluding that was: If you had a maintenance
14 garage that did not have doors that closed, you couldn't
15 shelter and protect inside from what we hoped to
16 accomplish.

17 If there were some of those maintenance buildings,
18 those people could be brought into other buildings.

19 What I am saying is that, according to the
20 regulations, the guides, NUREG 0654, is that by closing
21 windows, maybe even curtains, closing doors, turning off
22 ventilation systems that mix air or bring in fresh air,
23 those kinds of things can be done sufficiently to
24 protect people.

25 Q Are you saying that just about any structure can provide

1 adequate shelter after taking certain simple
2 precautions?

3 A You changed my words.

4 Q I am asking if you are saying that.

5 A I am saying "most." Most of the buildings can be closed
6 sufficiently.

7 Q All right. Are there any employers who have only one
8 building?

9 A That I do not know.

10 Q Are there any?

11 A I --

12 Q Are there any employers that have only one building
13 which may not be a shelterable building?

14 A That I do not know.

15 I am not responsible for conducting a survey of
16 those. I would have to defer that to the State.

17 Q Do you know if any surveys have been done to determine
18 that?

19 A Going back in the experience of the approach to this
20 total planning in and around a nuclear power plant, I
21 feel that it had been done, and by chance, by the NRC.
22 I think they, along with the utility, look at existing
23 structures to see what the structural base is, and I
24 draw that experience from Byron Station, that, you know,
25 it was a question. There had been some survey conducted

1 as to the shelterability in an area.

2 Q But do you know if any specific study had been done for
3 Braidwood by the State or Edison?

4 A No.

5 Q On Page 29, the second full paragraph, you discuss
6 recreational areas.

7 Are you assured that all persons who are hunting or
8 fishing or golfing or bicycling will be -- or on foot --
9 reached with messages?

10 A Myself, my agency, the RAC, we have reasonable assurance
11 that will be accomplished.

12 Not absolute assurance.

13 Q Would someone swimming, for example, be able to hear the
14 sirens?

15 A The answer to that question -- it isn't really an answer
16 yes or no. I can't address that specifically, if they
17 were under water or above water or splashing.

18 But let me add to this.

19 It isn't only sounding the fixed siren, but there
20 is a responsibility on the part of the DNR or the
21 Sheriff's patrol that might be waterborne, or of the
22 Corps of Engineers, if it's in the area of the pool,
23 that they will go out on the water and clear the water,
24 notify people. If it's a swimmer in the water, indicate
25 to that person there is a problem, get to shore right

1 away.

2 Q Mr. Wenger, how are you assured that transients in the
3 area will know what to do on the basis of public
4 information that is given to them?

5 A The -- our assurance is from the planning for the Prompt
6 Alert Notification System, pagers or radio equipment
7 that State parks and other recreational-type parks of
8 that nature will have; the public information brochure;
9 basically those.

10 Q Mr. Wenger, if a transient is not in a recreational
11 area, how does he know -- how does he know what to do in
12 the event of a nuclear accident?

13 A I think there is an awful lot to be considered here,
14 because my feeling would be, you know, to be more
15 specific, as to what phase of the accident, what
16 classification, immediately, since somebody on
17 Interstate 55, traveling south, and they enter into the
18 EPZ, and there is has been a warning by siren, I think
19 they would hear it.

20 If not, or if it happened at some point in time,
21 there is going to be a blockade; and as people come up
22 to this blockade, it will be said that you can't enter.
23 You are directed to different directions.

24 Q Let's assume that someone is within the EPZ already and
25 the warning sirens go off.

1 What do the EBS messages tell him, if he has a
2 radio?

3 A EBS messages would indicate that there has been an
4 accident at the station, at the power plant, and that
5 more direct information will follow.

6 Usually that announcement comes from the State.

7 Then the county makes available site specific
8 information, that people located in certain geographic
9 location by -- listed by geographic features, rivers,
10 roads, et cetera, are -- if it becomes necessary to
11 evacuate, are to leave that area. Evacuation routes are
12 discussed or are announced, and care locations
13 designated.

14 Q If a person -- if there is not an evacuation
15 recommendation, how is a transient to shelter?

16 A (No Response.)

17 Q If there is no evacuation recommendation, but there is a
18 sheltering recommendation, how is a transient to
19 shelter?

20 A I have to think about that a moment.

21 I am thinking of a case that -- well, the -- they
22 would hear the siren, because as a protective action, it
23 would be announced that there has been an accident and
24 that the recommendation is for sheltering.

25 You are to stay indoors, close windows, all that

1 kind of thing; and I think a person in a car, or where
2 ever they may be, could comprehend that they must get to
3 some location to gain this protective measure, which
4 could be in a public building. I think that would
5 accommodate people who are mobile.

6 Q If they are not near a place of business, is it
7 recommended that they knock on the nearest door and ask
8 for entrance?

9 A No, it is not recommended.

10 Q Is anything really recommended at all to the transient?

11 A Well, in the respective telling them to get under cover
12 -- protection, into a sheltered area, but there is --
13 pardon me -- not a recommendation to enter a certain
14 building, but it's -- the generic senses of: "Take
15 protective cover."

16 Q The recommendation, as it's -- as it is contained in EBS
17 messages, doesn't it say, "Go to your place of
18 residence" or -- it doesn't say anything that is
19 specific to someone who might be in transit and not near
20 a place of -- not near a public building?

21 A I don't recall.

22 Q Does it --

23 A I don't recall that it says, "Go to your residence."

24 Q Let's go back to the equipment then.

25 On 7-SOP-8, do you have a copy of the Standard

1 Operating Procedures with you?

2 A Yes.

3 Q Attachment C, Sectors A, B, C, Page 4 of 11. There are
4 others that would work, too.

5 A SOP-7-8, Attachment C, Sectors A, B, C, Page --

6 Q Page 4 of 11?

7 A -- Page 4 of 11.

8 Q It's a take shelter recommendation --

9 A Yes.

10 Q -- correct?

11 A Yes.

12 Q Okay. The last paragraph --

13 A Yes.

14 Q -- states, "Do not, I repeat, do not evacuate at this
15 time. You may unnecessarily subject yourself to
16 radiation by evacuating now. If you are not inside at
17 this time, immediately proceed to your home, your place
18 of work or to the home or business of a friend or
19 relative."

20 Is that correct?

21 A That's what I read, yes.

22 Q There is no general instruction to -- as to what to do
23 if you are in the -- you know, someplace that is not
24 near one of these places, is there?

25 A If you were remotely located, that's correct.

1 Q If you read that, you would think that you should go to
2 your home or your place of work, whichever the closest
3 place is; correct?

4 A If that was read over the EBS, and I heard that, that
5 would be my first action.

6 Q But if you were not from the Emergency Planning Zone,
7 and you were traveling through it, this message read
8 over the radio does not tell you what you should do,
9 does it?

10 A Well, it goes on to say, "Once inside, stay there unless
11 you receive instructions to do otherwise."

12 Q Well, it says, "Once you are inside," assuming you mean
13 your home, your place of work or so forth, it does not
14 have a general catch all for if you are in a vehicle or
15 in --

16 JUDGE GROSSMAN: Ms. Rorem, I think we are at
17 the point of being argumentative here.

18 I think we all understand what it says and does not
19 say by now.

20 MS. ROREM: Okay. Thank you.

21 BY MS. ROREM:

22 Q You said earlier that if a person was within a rec area
23 and did not hear the voice-activated sirens, that there
24 would be some staff person or official who would notify
25 them about what they should do; is that correct?

1 A Yes.

2 Q And did you assume that these staff people or
3 recreational employees would have pagers?

4 A Well, I think "assumption" may not be an appropriate
5 word here, because contained in the SOP is a listing of
6 vehicles and radio devices and people that carry them,
7 and ancillary type items for communication and
8 conducting their day-to-day business and emergency
9 business.

10 Q But you are not saying that every recreational -- person
11 who works in a recreational place within the EPZ has a
12 pager?

13 A I have no verification of that.

14 MS. ROREM: That's all, Mr. Wenger.

15 Thank you very much.

16 JUDGE GROSSMAN: Mr. Edgar?

17 MR. EDGAR: I have no questions.

18 JUDGE GROSSMAN: Mr. Flynn?

19 MR. FLYNN: I have a few questions on
20 redirect.

21 I think we can probably finish by noon.

22 JUDGE GROSSMAN: Pardon?

23 MR. FLYNN: I think we can probably finish by
24 noon.

25 JUDGE GROSSMAN: Yes, fine. I would like to.

REDIRECT EXAMINATION

BY MR. FLYNN:

1
2
3 Q Mr. Wenger, when you were asked the last series of
4 questions about transients, you started to make some
5 distinction among transients in different situations.

6 Can you elaborate a little bit?

7 Can you tell us what the different situations might
8 be that transients would find themselves in?

9 For example, one of them that you mentioned was
10 someone driving through the EPZ.

11 What are the others?

12 A Well, there would be people traversing the area.

13 There is I-55. Interstate 55 is a major artery.

14 There would be people traversing that, and there
15 are other major roads in the vicinity of the station.

16 The -- I have a little problem. You talk about
17 recreational areas.

18 I guess I have to think a lot and differentiate.

19 In my part of the country it is a little bit
20 different.

21 But recreational areas involve hunting, camping.

22 Transients, that would be people that may live
23 within the EPZ and maybe people that live in the State
24 of Illinois, it may be people traversing the area
25 stopping off there for the night, lodging; business

1 people coming into the community, for many, many
2 purposes, teachers, or whatever the case may be.

3 There could be a lot of transient people.

4 Q So, then, these transients might already be inside a
5 building when the sirens sound; is that right?

6 A I would judge the largest percentage would be in that
7 case.

8 Q Let's look at some of the other categories separately.

9 Let's start with the transients who might be in a
10 car at the time the siren sounds.

11 Now, you mentioned Route 55.

12 If someone were in a car on Route 55 at the time
13 the siren sounds and didn't hear it or didn't get in on
14 the EBS message, how long would you estimate that the
15 person would be inside the EPZ?

16 How long would it take to get through it?

17 A Well, on Interstate 55, I guess at the legal speed
18 limit, of about 40 miles per hour, that would be -- I guess 50
19 miles per hour, 10 miles, 10 miles, 20 miles, goes right
20 by the station; so maybe 40 minutes' time, if they were
21 just driving straight on through.

22 Q Would that person encounter any roadblocks in that
23 period of time?

24 A Well, if the sirens just had sounded, and he had heard
25 them, he could; but my judgment would be, traveling at

1 that speed, that distance, he would be halfway through
2 the EPZ. He had been headed out anyway, and continue.

3 If he didn't hear it, the sounding of the sirens
4 and the EBS messages are not simultaneous, but very
5 close to it; so as the siren goes off, the EBS messages
6 are given shortly after; so as people tune to that EBS
7 -- designated EBS station, they begin to hear the
8 announcements.

9 The secondary stations or other stations are
10 monitoring, and they would pick up on it immediately; so
11 I would think a time period of, from the sirens until
12 maybe that secondary message, 10 minutes maybe, because
13 I am thinking of the concept that, people traveling
14 through the area are people living in the area.

15 If you took a survey or sample, they are not all
16 going to be tuned to an EBS station, they are going to
17 be on other stations. It will have to work its way
18 through the system and hear it on the station they are
19 on if they don't hear the siren.

20 Q Let's consider the situation where someone is in a car,
21 a transient, and his designation is not someplace in
22 EPZ, but he hears the message that he ought to take
23 shelter.

24 I take it this is similar to, say, a siren sounding
25 for a tornado, for example; is that right?

1 A Yes.

2 Q What would you expect that person to do once he receives
3 that message?

4 A Once he hears the siren?

5 Q No, once he hears the message that he should take
6 shelter.

7 A I would think a person would have to act upon their good
8 judgment.

9 If they were like the fellow on Interstate 55, and
10 he's headed south, he might be halfway through. He will
11 be better off to keep going.

12 If he was entering into the area, he might want to
13 be more attentive to the matter, as to not to drive into
14 it.

15 Pulling off at an exit and asking information, or
16 diverting his route of traffic shortly after the sirens
17 are sounded, the roadblocks would be put up, so he is
18 going to, by some manner, run into those, but maybe not
19 by radio channels, but at some point he would run into
20 those.

21 Q If the transient pulls off at an exit and goes to, say,
22 a fast-food restaurant, would that be adequate shelter?

23 A Generally, I would say it could be, yes.

24 Q If he were to go to the lobby of a hotel or a motel,
25 would that be adequate shelter?

1 A It can be made adequate, yes.

2 Q What has to be done to make that be adequate shelter?

3 A Closing windows, air transfer systems, buttoning up;
4 basically, in other words, becoming in an envelope of
5 contained air.

6 Q Is the information that you just gave me contained in
7 the EBS messages --

8 A Yes.

9 Q -- let's talk about a different group of transients now.
10 Let's talk about the ones who are in recreational areas.

11 Let's talk in particular about people who may not
12 have transportation.

13 Now, the first thing I want to ask you is:

14 In your judgment, what is the likelihood that the
15 message to take shelter will reach people in the
16 recreational areas?

17 A The voice siren announcement.

18 Q Excuse me. Let me explain the question.

19 We have already established, through Ms. Rorem's
20 cross examination, that there is a possibility that some
21 people may not reach the message, and we went on at
22 great length about how attempts are made to communicate
23 that message.

24 What I am asking you to assess now is a probability
25 or a likelihood that someone will be missed by all of

1 these attempts.

2 A Relatively small, very minute.

3 Q Now, the next question is:

4 Once the message is communicated, how will that
5 person get to shelter if he has no car or motorcycle or
6 some transportation?

7 A The supervisory people, the people in charge at that
8 location, will be aware that there are people without
9 transportation.

10 He then is to contact the municipal or county
11 emergency operations center and give this information
12 and request assistance which, at that time the county or
13 municipal coordinator will coordinate with officials and
14 they will make buses available to pick up these people
15 at designated locations.

16 Q So what you are saying, in effect, is that the
17 recreational areas would essentially be evacuated even
18 though the general recommendation is for shelter?

19 A Yes, that's the plan.

20 Q You were asked a question in Ms. Rorem's cross
21 examination about whether the Nuclear Regulatory
22 Commission had made a survey of employers.

23 Does the Nuclear Regulatory Commission have any
24 responsibility for offsite activities?

25 MS. ROREM: Excuse me.

1 I didn't ask whether the NRC had --

2 JUDGE GROSSMAN: Excuse me.

3 If you have an objection, say it.

4 MS. ROREM: I object.

5 JUDGE GROSSMAN: Yes.

6 On what grounds?

7 MS. ROREM: That I didn't ask if the NRC had
8 made a survey of employers.

9 JUDGE GROSSMAN: What did you ask?

10 MS. ROREM: I asked if the State or
11 Commonwealth Edison had made a survey of employers.

12 JUDGE GROSSMAN: Do you recall, Mr. Flynn,
13 what you asked him?

14 MR. FLYNN: I will rephrase the question.

15 JUDGE GROSSMAN: Pardon?

16 MR. FLYNN: I will rephrase the question.

17 JUDGE GROSSMAN: Fine.

18 BY MR. FLYNN:

19 Q You were asked, I believe, if the State or the Applicant
20 had made a survey; and in your answer you made reference
21 to the Nuclear Regulatory Commission.

22 Do you remember that?

23 A Yes, I do.

24 Q Okay. My question is:

25 Does the NRC have any offsite responsibilities?

1 A The NRC does have offsite responsibilities, yes.

2 Q In what respect?

3 A It's that threading of the network, onsite to offsite,
4 to local officials, of communication and coordination;
5 giving the message classifications, the plant status,
6 over to the State and local governmental jurisdictions.

7 Q But would it be the role of the NRC to make such a
8 survey?

9 A To the best of my knowledge, I believe it is; because
10 when the NRC goes on inspections, part of their
11 responsibility is to check with -- my experience has
12 been -- with the Sheriff, to see the point established
13 of communication from the technical support center, but
14 that would be the limit of it.

15 Q Would the NRC have any role or any responsibility to
16 survey structures or houses to determine their
17 suitability for sheltering?

18 A I guess I am not certain. I am relating back to
19 testimony at Byron, and the NRC expert witness there --
20 who I served jointly on a panel with -- and we got into
21 some of the same information; and I was thinking that he
22 had referenced that they had studied that, studies had
23 been done, maybe not specific to Byron, but maybe
24 specific to structures.

25 It isn't clear in my mind to give you a definite

1 answer at this point.

2 Q Okay. On the subject of sheltering --

3 MR. FLYNN: Excuse me. I will withdraw that.

4 I am thinking to Miss Fairrow's testimony rather
5 than yours, so it's not proper redirect examination.

6 I have no other questions.

7 JUDGE GROSSMAN: Yes, Ms. Rorem.

8 RECROSS EXAMINATION

9 BY MS. ROREM:

10 Q Mr. Flynn asked you, Mr. Wenger, about -- no, no, excuse
11 me.

12 In response to a question asked by Mr. Flynn, you
13 responded that recreational area personnel, the managers
14 or whatever, will be aware that there are those without
15 transportation in their areas or on their -- in their
16 facilities.

17 Can you tell me how they will be aware that there
18 are people without transportation?

19 A I think there probably are two -- two examples.

20 One would be the State park that you and I had
21 discussed previously, and the other would be, I believe,
22 like a privately owned club, recreational club.

23 When the information is made available to these
24 people, then their responsibilities in State parks,
25 Federal parks and such, the responsibility is the

1 supervisory personnel, like a park ranger, to patrol the
2 area and make this announcement and clear the area.

3 Now, on a private club I think this gets a little
4 bit different, because you can make the information
5 known to the person who owns or who is in charge. It is
6 unto them to notify those people that are customers; and
7 by announcing and saying there is a problem at the
8 plant, the recommendation is that you evacuate this
9 location, it would appear as though you will have people
10 that say, "I can't. I don't have anything. I was
11 dropped off here."

12 I guess that's how you would begin to make a
13 determination. "I have so many people here that don't
14 have transportation."

15 Q Doesn't that assume that there will be people right
16 there -- at some of these large recreation areas,
17 privately owned, do the managers of those facilities
18 know how many people come in and leave?

19 A Oh, I would think they have --

20 Q Do they keep track of all of them all the time?

21 A I would think they had records.

22 It's a business, profit-making business.

23 Q So they are --

24 A Projections.

25 Q So there are people who come in every -- all the time?

1 A I presume they charge, and that's a sort of a record
2 keeping.

3 Q Are you saying that all of these recreational clubs,
4 which are large recreational areas, in the EPZ, charge
5 admission so that they are aware of how many people have
6 come in?

7 A They do not charge admission, so they are aware of how
8 many people come in. I believe there is a membership.

9 Q But isn't the membership that might be present at the
10 recreational club variable; in other words, on one day,
11 20 people might be there; on another day, 600 people
12 maybe there; is this true?

13 A Yes, that's possible; but --

14 Q So that the manager --

15 JUDGE GROSSMAN: Ms. Rorem, we are getting
16 close to interrupting the witness; so let him finish his
17 answers.

18 MS. ROREM: I'm sorry. Excuse me.

19 A (Continuing.) You have capacities.

20 It seems reasonable and logical that they would
21 keep track of how many enter so they don't exceed the
22 capacity, which would be a violation of a regulation,
23 safety-wise.

24 BY MS. ROREM:

25 Q But is it reasonable to expect that a club owner will

1 know exactly how many people are in his park on any
2 given day?

3 A Maybe not exactly, but within some numerical value.

4 Q Is it reasonable to expect that the club owner will keep
5 track of where all of these people are at any given time
6 on any given day?

7 A If they are at his business, his location, he's
8 accountable and responsible for those people,
9 liable-wise.

10 He doesn't know where each individual is, but he
11 knows of people that are there, as to an approximate
12 number.

13 Q But he has no control over their behavior, does he, as
14 individuals?

15 A Well, I think the civil disobedience shows us that.

16 I think he does.

17 You are speaking of a membership. I think that
18 there would be rules of an organization or club.

19 If there are rules, you are to abide by those; if
20 not, you are subject to removal, I would judge, or some
21 corrective action or indication to you.

22 Q But is it incumbent upon a person who is in a
23 recreational club to let the manager of such a club know
24 where he is at all times?

25 We are talking about clubs that are acres and acres

1 and acres and acres large.

2 A When you enter onto those premises, and those grounds
3 are made available to you, no, I don't think he's
4 responsible to know where each individual is going; but
5 there are areas to -- to travel into, to recreate,
6 whatever you are going to do; but he has a
7 responsibility for those people on that ground, liable
8 for their health and safety.

9 Otherwise, it would be -- what's the term I am
10 thinking of?

11 Q But if they leave temporarily and then come back, he may
12 not be aware of this; is this correct?

13 A If they leave his premises and then return?

14 Q Yes.

15 A Possibly not.

16 Q Do you have any idea of or are you considering that
17 there are a number of employers -- employees of such a
18 recreational facility or are you depending upon one
19 person to have knowledge of how many people have come
20 and gone?

21 A I think it amounts to designated or responsible
22 employees.

23 If someone is a gate person or admission collector
24 on --

25 Q Do all of these recreational facilities have gate

1 keepers?

2 A That I do not know.

3 Q Do any of them use -- have a key system?

4 A Like a plastic card you put in?

5 (Indicating.)

6 Q No. I mean like a key for a padlock.

7 A I don't know that for a fact.

8 I have to, within reason, judge that there is some
9 way to enter, because if it's a membership, it's
10 controlled.

11 Q Then, if the membership enters by means of keys, it may
12 be the case that there is no one who knows -- that knows
13 that members are with -- on the grounds of a
14 recreational facility; is this true?

15 A That's possible.

16 But you -- you have to be aware of your property
17 and your liability.

18 You have got to be accountable for people using
19 your facility.

20 Q Mr. Wenger, are you familiar with any of the
21 recreational facilities, private recreational
22 facilities, within the EPZ of Braidwood?

23 A To some degree, yes.

24 Q Which ones; with which ones are you familiar?

25 A You will have to help me. You are from the area.

1 From the Village of Braidwood, as you exit to the
2 south, you cross railroad tracks. I believe there is a
3 stop sign or traffic signal.

4 You turn left, and there is a party store on the
5 corner, and right next to it there is a club.

6 Now, when I visited this area, they were closed,
7 but I asked questions about that, I looked around as I
8 could, and there are iron gates there, that's true, but
9 there is also a booth for people to drive by.

10 Q Did you see that -- that this was the only method of
11 entry into this facility?

12 A I do not know that for a fact.

13 But if you will permit me, the reason, because it's
14 controlled, either by key or lock, it just isn't
15 authorized ingress and egress, it's a controlled
16 situation.

17 Q But do -- all right.

18 Might it be the case that all members are given
19 keys with which they may enter?

20 A Yes.

21 Q And would they necessarily be going by someone who was a
22 gate keeper?

23 A I don't know that for sure.

24 Q Mr. Wenger, are you at all familiar with the South
25 Wilmington Sportman's Club?

1 A No.

2 Q Are you familiar with any of the clubs whose primary
3 purpose is hunting?

4 A No.

5 I might have to correct myself.

6 There is a DesPlaines prairie in the 10 mile EPZ of
7 Braidwood.

8 Q That's --

9 A If it is, yes, I am familiar with it, because of Dresden
10 and the --

11 Q That's not a privately-owned club.

12 A -- waterfowl refuse.

13 Yes, I have studied that very closely.

14 Q Okay. I am sorry. I was referring to the
15 privately-owned recreational clubs, so that --

16 A I am not that familiar with them in that way, no.

17 Q If someone is within the facility, one of these places,
18 and there is no one around, no one who is in charge, and
19 they hear, through the siren, voice-activated sirens or
20 the EBS messages, there is nothing in either of those
21 which would instruct this person to -- as to make a
22 phone call to someone or to get -- what -- to whom --
23 from whom they should obtain assistance, is there?

24 A I can't -- I can't testify to that.

25 Once again, because when you are a member of an

1 organization, there are rules and regulations, and if
2 you have a key and you can enter on the premises any
3 time you wish, there are certain things you have to
4 assume a responsibility for yourself, and there are bulk
5 distributions of brochures made available, and I would
6 think, as being a member, you certainly should be made
7 aware of this as you would for tornados or other
8 destructive effects of nature.

9 Q But there is nothing in the EBS message which tells
10 someone what to do, is there?

11 A That's an ambiguous question.

12 If it's shelter, it does tell them to take shelter.

13 MR. FLYNN: Your Honor, I think we are
14 getting a little far afield here.

15 We are no longer talking about transients, we are
16 talking about people who are members of private clubs.

17 The residents of the EPZ already have the
18 brochures.

19 MS. ROREM: Excuse me.

20 Many, many, many of the members of these clubs are
21 transients in that they live in Chicago or they live in
22 the suburbs of Chicago, and they are members of a club
23 which they go to on -- on -- at some other time.

24 They don't live within the EPZ necessarily.

25 JUDGE GROSSMAN: Okay. That appears to be

1 true, Ms. Rorem.

2 It also appears that we are going over ground that
3 you have already covered.

4 THE WITNESS: This sounds a little bit
5 familiar with testimony that was given on the 29th of
6 October, about the brochures, availability, to people
7 such as yourself.

8 JUDGE GROSSMAN: Please, let's not volunteer
9 too much now.

10 (Laughter.)

11 JUDGE GROSSMAN: Just respond to the
12 questions and we will have a much more focused hearing.

13 MS. ROREM: Mr. Wenger, I have no further
14 questions.

15 Thank you.

16 JUDGE GROSSMAN: Mr. Edgar?

17 MR. EDGAR: I have no questions.

18 MR. FLYNN: I have nothing further.

19 JUDGE GROSSMAN: Judge Cole has one or two
20 questions.

21 JUDGE COLE: Just a couple of questions, Mr.
22 Wenger.

23 On Page 5 of your testimony, Question 8, in the
24 last paragraph on Page 5, the second sentence of that
25 paragraph, it states, "Upon the decision by county

1 officials to activate the Prompt Alert and Notification
2 System, the coordinators will notify the County
3 Sheriff's dispatchers to activate the system."

4 Do you see that, sir?

5 THE WITNESS: Yes, sir.

6 JUDGE COLE: Now, on Page 8, in response to
7 Question 13, that second sentence of the answer of 13 on
8 Page 8, it states that the State official then evaluate
9 the information provided by the utility and make a
10 decision on activating the Prompt Alert Notification
11 System, and that seems to me to contradict what it
12 states on Page 5.

13 Who makes the decision to activate the Prompt Alert
14 and Notification System, the county or the State, or
15 what is wrong with the way it's stated on Page 5 and on
16 Page 8?

17 THE WITNESS: It does need clarification.

18 The Governor is the person with ultimate
19 responsibility for ordering the activation of the
20 system, at the guidance provided him by the ESDA and the
21 IDNS.

22 The actual pushing of the button to activate the
23 system is done by a designated person at the county,
24 usually in the County Sheriff's office.

25 The way the plan is written, the State does not

1 want to order the county, they are self-governing to a
2 large degree; so the Governor -- it's in the form of a
3 recommendation, but a very strong recommendation, that
4 sirens be sounded and the county officials go along with
5 that. They have the order to do it and the wisdom and
6 guidance they are given from the system.

7 JUDGE COLE: Could the county activate the
8 system on their own, upon their own decision?

9 THE WITNESS: They could.

10 JUDGE COLE: All right, sir. Thank you.

11 You were asked some -- I want to change subjects
12 now.

13 You were asked some questions about evacuations at
14 schools; and the specific question you were asked: there
15 have been no complete school evacuations in the drills.

16 Do you know why that has not been done, sir?

17 THE WITNESS: Yes.

18 It's been indicated to me by the State. I think it
19 has sound reasoning; and that is, you are speaking of
20 large numbers of school children; and when you involve
21 the application of something like this, the liability
22 just mounts tremendously. There is a responsibility,
23 liability.

24 The State of Illinois has conducted limited
25 demonstrations. They go through parental consent.

1 Children -- I speak of children in the broad sense,
2 of upper elementary through high school, at various
3 times, that are selected. They have been bused out of
4 the area to another school, a designated school, to test
5 the system on a limited basis; but as to the complete
6 evacuation of the school, it is a horrendous
7 responsibility.

8 JUDGE COLE: Do you think a test of the
9 complete evacuation of a school would be necessary in
10 order to demonstrate the capability to do so?

11 THE WITNESS: That's a real tough question to
12 answer.

13 You might prove one thing, but involve yourself
14 with something outside of this whole concept of planning
15 for a nuclear power plant.

16 I don't know, to balance it out, how much or what
17 could be gained by a total demonstration. I am not
18 certain, though.

19 Total involvement, certainly it gets more people
20 involved, entire staff, a lot of mobilization of
21 resources; but there is reasonable assurance at this
22 point that should they follow their plans as they are
23 designed, that it should work quite well.

24 JUDGE COLE: Are there any particular skills
25 necessary, in the evacuation of the school, that would

1 not be demonstrated otherwise, without the drill?

2 THE WITNESS: Immediately, I can't think of
3 any; because they go through drills for tornados, so you
4 are getting the staff involved, and you do need skills
5 regardless of what the group of people you have got to
6 keep calmness about them; and when school is over at the
7 end of the day, you have the implementation of busing,
8 and kids are very eager to leave, so it's along the same
9 line, but not with the same intensity.

10 JUDGE COLE: All right, sir.

11 Thank you.

12 You were asked some questions about criticisms of
13 the information dissemination system.

14 Do you recall that, sir?

15 THE WITNESS: Yes.

16 JUDGE COLE: With respect to criticisms of the
17 information dissemination system, what parties, persons
18 or groups would criticize the information dissemination
19 system?

20 For example, your agency, FEMA, the Residents
21 Advisory Committee, NRC, what groups would legitimately
22 criticize, would be in the position to legitimately
23 criticize -- just criticize, legitimate or otherwise --
24 criticize information dissemination during a drill?

25 THE WITNESS: During an exercise?

1 JUDGE COLE: Or in the plan.

2 THE WITNESS: In the review of the plan?

3 JUDGE COLE: Or based upon a review of the
4 plan.

5 THE WITNESS: It would be the agencies which
6 serve as members to the Regional Assistance Committee.
7 There are eight of them.

8 JUDGE COLE: All right.

9 Now, I guess I used that acronym wrong. I said
10 Residents Advisory Committee.

11 What does RAC mean?

12 THE WITNESS: Regional Assistance Committee.

13 JUDGE COLE: Committee, Regional Assistance
14 Committee. Okay.

15 Can you tell me very quickly about the Regional
16 Assistance Committee?

17 THE WITNESS: It's comprised of principal
18 agencies that have responsibility in an emergency
19 situation; and in the plan overview or the evaluation,
20 when we are at certain levels of exercises, there are
21 two levels, one is a partial participation, which is a
22 scaled-down investigation; the other would be a full
23 participation, which is everything, organizational-wise,
24 coming to bear.

25 During those full participation, the RAC members

1 are very much involved in making assessments and
2 evaluation for the FEMA, who is the evaluating body
3 offsite.

4 When we meet in our RAC meetings, everyone has a
5 say-so, and we get a consensus on position of the RAC as
6 a body as to the plans; so there are -- I could name
7 those agencies for you, but they are principal agencies
8 within the Federal government that oversee this, and the
9 Chairman -- the chair position is held by FEMA for
10 offsite planning.

11 JUDGE COLE: All right, sir. Thank you.

12 What other groups or agencies would be in a
13 position to comment on the -- comment or criticize -- on
14 the information dissemination plan or exercise?

15 THE WITNESS: Federal Department of Interior,
16 U. S. Department of Interior; the Nuclear Regulatory
17 Commission; FEMA; Department of Energy, to name a few of
18 them. There are others that I can think about.

19 JUDGE COLE: Are you provided with their
20 criticisms?

21 THE WITNESS: In the case of the power plant
22 for the State of Illinois, yes, I personally am provided
23 with those.

24 JUDGE COLE: All right, sir.

25 Could it be said that if there were major

1 criticisms of the information dissemination, either
2 actually as contained in the written plan or as
3 performed in the exercise, you would have that
4 information?

5 THE WITNESS: Yes, sir, I would say.

6 JUDGE COLE: So that when you make a statement
7 that there were no major criticisms as far as you know,
8 you say that with some reasonable degree of confidence?

9 THE WITNESS: Yes, sir. Yes, sir.

10 JUDGE COLE: Thank you.

11 Just another question, sir.

12 On Page 21, Question 39, the first sentence in
13 Answer 39, "The notification of employers is carried out
14 by local officials."

15 What do you mean by "local" there?

16 THE WITNESS: Local officials in the
17 governmental bodies, the county or municipal officials.

18 JUDGE COLE: Is the responsibility spelled out
19 in the plan as to what officials have responsibility
20 over what areas?

21 THE WITNESS: The SOP specify these people by
22 title.

23 JUDGE COLE: All right, sir.

24 Thank you.

25 JUDGE GROSSMAN: Mr. Flynn, re-redirect?

1 MR. FLYNN: I have nothing further.

2 JUDGE GROSSMAN: Ms. Rorem, any?

3 JUDGE CALLIHAN: I have some.

4 JUDGE GROSSMAN: Oh, I'm sorry.

5 JUDGE CALLIHAN: Mr. Wenger, on the matter of
6 transients, would you consider an automobile with its
7 windows closed and outside air supply closed, adequate
8 for sheltering?

9 THE WITNESS: I rent a lot of vehicles, and
10 no, I wouldn't, because some air systems apparently
11 remain open all the time anyway.

12 You you can't close them off.

13 JUDGE CALLIHAN: An entirely unrelated
14 question.

15 There was, in our knowledge, the first week of
16 November, 1985, an exercise.

17 Has there been yet issued by your agency a final
18 report on that exercise?

19 THE WITNESS: At the time of my departure from
20 my office on Monday, no, sir.

21 JUDGE COLE: Is there or do you have a
22 schedule for it?

23 THE WITNESS: Yes, sir.

24 JUDGE COLE: When do you expect it to be
25 issued?

1 THE WITNESS: I would anticipate it -- the
2 procedure is that, coming here on Tuesday, I was handed
3 a letter of the State's response.

4 I must evaluate that and make recommendations.

5 The procedure then is a letter prepared to my
6 headquarters in Washington.

7 They then will work with that position paper and
8 cover memo and send it to NRC. Then this becomes final.

9 I would judge two weeks.

10 JUDGE CALLIHAN: That's like the first of
11 April?

12 THE WITNESS: Yes, sir.

13 JUDGE CALLIHAN: Thank you very much.

14 That's all I have.

15 JUDGE GROSSMAN: Now, Mr. Flynn, any
16 re-redirect?

17 MR. FLYNN: No, sir, your Honor.

18 JUDGE GROSSMAN: Ms. Rorem, any recross on
19 the basis of the Board questions?

20 MS. ROREM: Yes, one, one area.

21 RECROSS EXAMINATION

22 BY MS. ROREM:

23 Q Mr. Wenger, you were asked by Judge Cole whether there
24 were any particular skills in the evacuation of a school
25 that would not be demonstrated in an exercise, you

1 indicated that you couldn't recall any; is that correct?

2 A I understand this question to be: Were there any skills
3 that might be brought to bear in an evacuation that
4 wouldn't be covered in the normal day activity or the
5 normal routine, anything different? And I believe my
6 comment was no. I gave examples of what takes place.

7 Q Okay. Taking your understanding of that question, then,
8 in the normal routine, is it -- would the -- would the
9 school, through calling up bus drivers and school staff
10 and getting them to assemble the children --

11 A Yes.

12 Q -- and getting them to assemble at the school site on
13 short notice --

14 A Yes.

15 Q -- in what situation would that be the case?

16 A You have severe snow storms in the area. There is the
17 -- in the morning, there is responsibility to bring in
18 substitute teachers. That's done on short notice in
19 many cases.

20 I have talked with Mr. Scott Flynn, Superintendent
21 in Wilmington, and we have discussed the same thing as
22 an issue that I wanted him to address to me.

23 Q Are there any other emergency situations which would
24 require the total mobilization of the schools'
25 resources, like a nuclear accident?

1 A Tornado requires total school involvement. You are not
2 going to evacuate. That's touch-and-go on evacuation;
3 but you are calling upon teachers to maintain control
4 and get students to locations for sheltering, or if
5 there is time, on buses.

6 Q But you don't have a particular need for, for instance,
7 bus drivers, in a tornado?

8 A No; but in a snowstorm you do, and you may have to call
9 them.

10 My experience has been, in reserching this, that
11 bus drivers are not full-time bus drivers, they work
12 elsewhere; or it may be on a contract basis; so that bus
13 drivers know that, when they take the job, that they can
14 be called at most any time.

15 If a snowstorn comes on at 11:00 o'clock, they are
16 notified, come and get the kids then. Those people may
17 have to leave work to come and get the kids to become
18 employed as a bus driver, to carry out the
19 responsibility.

20 So that's the short term mobilization of bus
21 drivers.

22 Q Are there any other emergencies which would require the
23 issuing of dosimeters?

24 A I am at a loss for a response, because you wouldn't
25 issue dosimeters to schoolchildren or teachers in the

1 school.

2 Q To school officials?

3 A To school officials?

4 Q To school officials or school staff.

5 THE WITNESS: Could you ask your question
6 again?

7 JUDGE GROSSMAN: Do I understand what you are
8 saying, Mr. Wenger, is even in a nuclear emergency, you
9 would not issue those to school officials?

10 THE WITNESS: I don't think that quantity
11 exists, or that's not in planning.

12 It's for people who will be bound in the EPZ, in
13 the plume or working as an emergency worker.

14 The idea is for other people to get them out.

15 BY MS. ROREM:

16 Q Are you saying that dosimeters will not be issued to bus
17 drivers?

18 A I did not say that.

19 There is a possibility for that, because of bus
20 drivers, by chance, having to leave the area and return
21 to the area, round trip, to continually move people out.

22 There may be a decision at some point to issue
23 dosimeters.

24 Q Don't they, in fact, or aren't they offered a course by
25 the State which teaches them how to use dosimeters?

1 A Yes.

2 Q Isn't that for the purpose of planning for a nuclear
3 emergency?

4 A Yes; because that's all those instruments will measure.

5 Q Are there any other school emergencies which would
6 require that school bus drivers are -- become familiar
7 with assigned routes to congregate-care centers?

8 A Are there any other emergencies that they would
9 experience that would assign them to evacuation routes
10 for nuclear emergencies?

11 Q No.

12 Okay.

13 A I'm sorry if I misunderstood you.

14 I understood you to say that that couldn't be
15 correct.

16 Q Are there any other school emergencies which would
17 require that school bus drivers become familiar with
18 assigned routes to congregate-care centers?

19 A If you will permit me, I know that when bus drivers
20 start the school, they usually run them over these
21 routes to give them familiarity; but there isn't another
22 emergency that would involve them of driving that route.

23 Q How do you know that they run these bus drivers over the
24 routes so that they can become familiar with them?

25 A Well, I understand this is a procedure that school

1 districts have pretty well adopted.

2 Q Which school districts? To which do you refer?

3 A The point, I have not addressed that in Braidwood; but
4 in the other stations this has come up, specifically
5 Byron.

6 Q Okay. We are speaking specifically to Braidwood.

7 Can you say that the bus drivers are taken over the
8 routes at the beginning of the year in order to assume
9 familiarity with them?

10 A Memory doesn't serve me.

11 I can't answer that question.

12 Q Okay.

13 A I apologize. I confused with with another location.

14 MS. ROREM: Thank you very much.

15 JUDGE GROSSMAN: Mr. Edgar?

16 MR. EDGAR: May I have a moment to confer?

17 JUDGE GROSSMAN: Certainly.

18 (There followed a discussion
19 outside the record.)

20 MR. EDGAR: We have no questions.

21 JUDGE GROSSMAN: Mr. Flynn, on the area
22 covered by Ms. Rorem?

23 MR. FLYNN: I have no questions.

24 JUDGE GROSSMAN: Fine.

25 The witness is then excused.

1 JUDGE GROSSMAN: Thank you very much for
2 testifying for us again.

3 THE WITNESS: Thank you for bearing with me.
4 (Witness excused.)

5 JUDGE GROSSMAN: We will return at a quarter
6 to 2:00.

7 We are in recess.

8 (Whereupon the hearing was continued
9 to the hour of 1:45 o'clock P.M.)

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

- - - - - x
:
In the Matter of: :
: Docket No. 50-456 OL
COMMONWEALTH EDISON COMPANY : 50-457 OL
:
(Braidwood Station, Units 1 and 2) :
:
- - - - - x

Will County Court House
Courtroom #405
14 West Jefferson Street
Joliet, Illinois 60431

Wednesday, March 12, 1986

The hearing in the above-entitled matter reconvened
at 1:45 p.m.

PRESENT:

As before.

JUDGE GROSSMAN: We are back in session.

Miss Fairow and Mr. Butterfield have resumed the
stand, and Miss Rorem is going to continue with her
cross examination.

JANA S. FAIROW

LAWRENCE D. BUTTERFIELD, JR.

recalled as witnesses by counsel for the Applicant, having
been previously duly sworn by the Chairman, were examined and

1 testified further as follows:

2 CROSS EXAMINATION

3 (Continued)

4 BY MS. ROREM:

5 Q Miss Fairrow, in your prefiled testimony, on Page 14,
6 Question and Answer 19, you state that, "Inclusion of
7 nonessential information in the messages which does not
8 appreciably assist the public in taking prompt and
9 appropriate protective action would hamper the overall
10 effectiveness of the emergency response."

11 Is that correct?

12 A (WITNESS FAIROW) Yes.

13 Q By this do you mean instructions such as respiratory
14 protection?

15 A (WITNESS FAIROW) That could be included in something
16 nonessential for all particular situations.

17 Q Is there information which might be necessary to help
18 protect the public from radiological contamination
19 during an evacuation which would be added to the
20 pre-scripted messages?

21 A (WITNESS FAIROW) If the determination is made by the
22 Department of Nuclear Safety that information such as
23 that needs to go out to the public, that could be added
24 -- it would be added to the message.

25 Q And how long might that information be in the

1 pre-scripted messages?

2 There is sometimes a line or two left.

3 Is that intended to indicate the length of a
4 response -- or I mean, the length of an addition to the
5 message?

6 A (WITNESS FAIROW) I'm not sure what "line or two"
7 you're speaking of.

8 Q Okay. At the end of some of the -- I will have to find
9 one -- pre-scripted messages, there is a typewritten
10 line which says, you know, that information may be
11 included here specific to the instance or whatever that
12 is.

13 Does that in any way indicate the length of the
14 material which might be added to the message?

15 A (WITNESS FAIROW) No, that's no indication of -- that
16 the message length -- the additional message length is
17 limited in any way.

18 Q Okay. So the message length would be whatever it needed
19 to be to give the information to the public so as to
20 enable evacuation; is this correct?

21 A (WITNESS FAIROW) The information would be complete
22 enough to give the public the instructions but concise
23 as to not get into -- to make it too lengthy.

24 Q So it would be -- are you saying that it would be
25 information only; that is, instructions only?

1 A (WITNESS FAIROW) As opposed to what?

2 Q As opposed to educational information on the nature of a
3 radiological problem.

4 A (WITNESS FAIROW) DNS would make the determination on
5 what the public would need to know to carry out specific
6 instructions.

7 Q And do you think that -- all right. I'm -- in your
8 answer, where you say, "Inclusion of nonessential
9 information in the messages which does not appreciably
10 assist the public," what do you mean by that?

11 Maybe I can get it that way.

12 What do you mean? What would be "nonessential
13 information"?

14 A (WITNESS FAIROW) It could be a variety of things that
15 might only take place in certain situations.

16 In those situations the information could be added,
17 such as specific instructions for the public regarding
18 respiratory protection or specifics on sheltering
19 techniques that aren't always necessary.

20 Q Okay. You mean these are -- these are nonessential in
21 some cases, but they are essential in others?

22 A (WITNESS FAIROW) That's true.

23 If they're not essential in all -- in all
24 situations, it wouldn't be added in the -- the specifics
25 would be added as necessary.

1 Q Okay. What would these specifics consist of?

2 This is what I want to know.

3 Would they consist -- yes, what would these
4 specifics consist of?

5 A (WITNESS FAIROW) That's hard to say. It would depend
6 on the situation.

7 Q Could they include educational information about the
8 radiological hazard as well as instructive information?

9 A (WITNESS FAIROW) That's possible, and that is a
10 determination that DNS would make at the time.

11 Q What do you know about this determination?

12 A (WITNESS FAIROW) I know it's DNS' responsibility to
13 analyze radiological consequences, and they have
14 procedures to do that.

15 I cannot speak for DNS as far as what their
16 procedures say or make any judgments on their expertise.

17 MS. ROREM: Mr. Grossman, we seem to have the
18 same problem which we had yesterday, where I believe
19 that my offer of proof material facts contained
20 information which was specific in terms of its -- the
21 desire to elicit certain information, and the Applicant
22 has put on witnesses -- a witness; Mr. Butterfield has
23 remained silent -- who is begging off the question and
24 saying that that's -- this information is the
25 responsibility of DNS.

1 MR. EDGAR: Your Honor, that's --

2 JUDGE GROSSMAN: What in particular in your
3 material facts are you asking about which you cannot
4 elicit an answer?

5 MS. ROREM: To an extent, in the material
6 facts listed in Offer of Proof Issue 2, No. 1 and No. 3.

7 In discussing the EBS messages and what would be
8 contained in them, which is instruction as to actions to
9 take and so forth, it may become important in a
10 radiological emergency to give instructions concerning
11 radiological protection to people who are in
12 recreational areas or people who are in situations where
13 they are going to have to be outside.

14 I feel that it's proper that I am able to discover
15 what additional information might be provided in the
16 EBSS -- EBS messages.

17 JUDGE GROSSMAN: If you ask about a specific
18 situation, you may well get a responsive answer; but
19 you're asking general questions about what won't be
20 contained in a message.

21 Well, you know, there's a world of information
22 outside, and I'm not sure that your question is limited
23 enough in order to get any kind of response.

24 But if you have a particular in mind that relates
25 to your statement of material facts, I think you ought

1 to ask those -- that specific question.

2 MS. ROREM: Okay.

3 BY MS. ROREM:

4 Q Will there be information included in the EBS messages
5 regarding radiological -- regarding respiratory
6 protection if such respiratory protection may be
7 necessary?

8 A (WITNESS FAIROW) If DNS feels that respiratory
9 protection is necessary, they will add it to the EBS
10 messages and inform the public.

11 Q And what would that message be -- consist of?

12 A (WITNESS FAIROW) Again, I don't know the specific
13 language that DNS would use.

14 Q Then how do you know that they will include such
15 messages?

16 A (WITNESS FAIROW) If the public needs to know, they
17 will use the EBS system and go through their county
18 representative in the county EOC to add that to the
19 county EBS message.

20 Q Is -- but you don't know that DNS will definitely
21 recommend any particular course of action with regard to
22 information about respiratory protection, do you?

23 MR. EDGAR: Your Honor, I object to this.
24 This is rehashing old ground.

25 JUDGE GROSSMAN: Okay.

1 It appears as though you've gotten a responsive
2 answer that that group has a responsibility for
3 determining whether additional information should be
4 supplied in that message and will make that
5 determination on a situation-specific basis.

6 Now, what further information you want is very hard
7 to understand from the questions that you've raised.

8 BY MS. ROREM:

9 Q Is it correct that sheltering or evacuation messages may
10 contain additional information about respiratory
11 protection?

12 A (WITNESS FAIROW) It is possible if it's needed.

13 Q And at this point you have no idea what information IDNS
14 might issue as regards respiratory protection?

15 MR. EDGAR: Objection; asked and answered.

16 BY MS. ROREM:

17 Q In general, would the material which would be included
18 in the EBS messages be designed to instruct individuals
19 or would there be explanatory material?

20 A (WITNESS FAIROW) It depends again on the determination
21 made by DNS.

22 If they feel that an explanation is required, they
23 will add it.

24 Q Okay. Not with regard to radiation materials, would
25 information about sheltering or evacuation -- if an

1 individual found himself in a situation which was not
2 outlined by the EBS message, would there be more
3 information forthcoming to him that would be more
4 specific and explain instead of instruct?

5 A (WITNESS FAIROW) Additional EBS messages would be --
6 would be sent out following the initial one with an
7 update of information or -- or a repeat of the same
8 information if there has been no change.

9 Again, we cannot know what every individual is
10 doing out there and provide information on what each
11 particular individual should do.

12 They -- people have to use a little common sense in
13 emergency situations.

14 Q And on what is that common sense based?

15 JUDGE GROSSMAN: I don't think that that
16 question can be responded to.

17 MS. ROREM: Okay. Excuse me, excuse me.

18 BY MS. ROREM:

19 Q Would it possibly help people to respond to an emergency
20 more responsibly if they were provided with explanatory
21 materials or a little more background information on the
22 nature of the radiological hazard?

23 A (WITNESS FAIROW) The EBS messages are designed to give
24 basic emergency information to instruct individuals and
25 groups on what to do because of a particular emergency.

1 Beyond that, if we were aware of a certain group or
2 of people that were in a particular area, we could
3 provide additional instructions for them.

4 As far as providing informational material, as
5 opposed to instructional, I -- I don't think it would
6 appreciably help getting the public out of an affected
7 area.

8 Q Why not?

9 JUDGE GROSSMAN: Well, the question has been
10 answered in the prefiled testimony that you just
11 referred to, and I don't think that you can get anything
12 that's more responsive.

13 I think we're wasting time on this area.

14 BY MS. ROREM:

15 Q In your response to Question 19 on Page 14, you say that
16 this information "would hamper the overall effectiveness
17 of the emergency response."

18 How would it hamper the overall effectiveness of
19 the emergency response?

20 A (WITNESS FAIROW) Giving unnecessary information would
21 delay the reaction time to the essential emergency
22 information that we're providing.

23 Q Is it possible there are people who would use that
24 information to react more quickly?

25 A (WITNESS FAIROW) I don't know that.

1 Q Let's go to a specific situation and suppose that a
2 parent has a child at a campground within the EPZ and,
3 just to not complicate things, let's make the parent
4 within the EPZ also.

5 What would the parent do, given the EBS message, if
6 evacuation were required?

7 A (WITNESS FAIROW) Do you mean that both the child and
8 the parent are within the affected area of the EPZ?

9 Q Yes, I do.

10 A (WITNESS FAIROW) The parent could go to the
11 recreational area and pick up the child.

12 If that's not the case, the child will be taken
13 care of, because as part of the plan, the recreational
14 areas are covered by sirens both electronic and -- or
15 both the tone alert and the PA capability on the sirens,
16 and they are provided for also in being notified by
17 county -- county or municipal officials by telephone of
18 a problem or of the protective action.

19 If they need assistance in evacuating, they will
20 make this request to the county or the municipal EOC,
21 and then they will be provided with transportation
22 assistance from the recreational area.

23 Q When you say that a parent could go to the recreational
24 area to pick up his child, do you mean that he would be
25 allowed to go or that he would be likely to go?

1 A (WITNESS FAIROW) I suppose both: He would be allowed,
2 in that he is already within the affected area so he
3 would not run into traffic and access control posts; and
4 he would be likely to.

5 Q Would this be contradictory to what the EBS message
6 which he receives has told him to do?

7 A (WITNESS FAIROW) The EBS messages say, "Do not enter
8 an affected area," and they say, "Do not go to schools
9 or nursing homes."

10 Q They don't cover this situation; correct?

11 A (WITNESS FAIROW) I would have to look at an EBS
12 message again to make sure, but I believe that's
13 correct.

14 MR. EDGAR: Can we have the plan?

15 (Indicating.)

16 A (WITNESS FAIROW) (Continuing.) As I said, the schools
17 and nursing homes are covered and it tells people not to
18 enter, so this situation is not covered by the
19 evacuation message.

20 BY MS. ROREM:

21 Q So from what you are saying, is it true that a parent in
22 this situation would either choose to go and pick up his
23 child or choose to let the rec area evacuate his child?

24 JUDGE GROSSMAN: Miss Rorem, we've had an
25 answer to that. I don't think that we're getting

1 anything profitable out of this.

2 The message speaks for itself. The witness has a
3 number of times indicated also what the message says and
4 has indicated to what situations the message applies.

5 I don't see that we're doing anything. We're not
6 supposed to be writing a brief now on the implications
7 of what the witness has said.

8 What she has said I think is perfectly clear.
9 Everybody understands what's covered and what's said,
10 and so there's nothing further that you can ask about
11 that would help us.

12 BY MS. ROREM:

13 Q On Page 22 of your prefiled testimony, on Answer 32, you
14 state that -- well, the question is whether the
15 pre-scripted take-shelter and evacuation messages
16 provide sufficient information to deter individuals from
17 going to or calling schools and nursing homes.

18 You answered, "Yes. The messages state that school
19 children and nursing home residents are being well
20 attended to by trained personnel, that there is no need
21 to go to such locations, and clearly warn against entry
22 into the affected area."

23 Is that correct?

24 A (WITNESS FAIROW) Yes.

25 Q In what way do they cover those persons who are already

1 within the affected area?

2 A (WITNESS FAIROW) If they are inside or outside of the
3 affected area, it states that they should not go to
4 schools or nursing homes.

5 It doesn't distinguish there, but neither person
6 should go to the schools or nursing homes.

7 Q Okay. I'm trying to recall exactly the place in which I
8 was this morning when we switched from Mr. Wenger.

9 If a parent has a child in school and he is within
10 the affected zone, if the child is in school and the bus
11 is not at school, is it reasonable to expect that if an
12 evacuation action is recommended, that the parent will
13 go to school to pick the child up rather than having him
14 wait for the bus?

15 A (WITNESS FAIROW) It may be expected that a parent
16 would go, but they are instructed not to.

17 The schools have specific instructions for caring
18 for those children, including mobilizing the buses to
19 get them there.

20 So it is advised -- the parents are advised not to
21 go there.

22 Q So what do you think will happen if the buses are eight
23 miles away and the parents is two blocks away?

24 MR. EDGAR: Objection; asked and answered.

25 JUDGE GROSSMAN: Sustained.

1 MS. ROREM: I have no further questions of
2 this witness.

3 JUDGE GROSSMAN: Mr. Flynn?

4 MR. FLYNN: Thank you.

5 CROSS EXAMINATION

6 BY MR. FLYNN:

7 Q Miss Fairrow, I'd like to ask you some questions on the
8 subject of sheltering and the adequacy of structures for
9 sheltering.

10 This morning you were asked a series of questions
11 about whether certain structures were more suited for
12 sheltering than other structures, and you indicated that
13 that might very well be the case.

14 Now, my question concerns special facilities;
15 schools and nursing homes in particular.

16 Are those buildings themselves adequate for
17 sheltering-in-place in the situations where
18 sheltering-in-place is the recommended protective
19 action?

20 A (WITNESS FAIROW) For our purposes, which is to keep
21 airborne contamination from getting inside special
22 facilities to the residents or the school children
23 there, we have gone to schools and the nursing homes and
24 developed specific ventilation checklists for those
25 facilities to follow in the event of a take-shelter

1 recommendation.

2 So we're talking about two things as far as our
3 purposes that -- the adequacy of a building for our
4 purposes and the structural adequacy of the building.

5 JUDGE GROSSMAN: I don't think you completed
6 the answer. The question asks whether they would be
7 adequate, then.

8 A (WITNESS FAIROW) (Continuing.) They are adequate.
9 We've gone through to make sure we can shut off systems
10 bringing outside air into the buildings.

11 BY MR. FLYNN:

12 Q Are the operators of those facilities, the schools and
13 the nursing homes, made aware of what it is they need to
14 do to shut out the radioactivity?

15 A (WITNESS FAIROW) We have actually gone and talked to
16 the school people to get their specific instructions for
17 this.

18 In many cases they specify rooms to go to to shut
19 off fans and switch boxes to go to to shut off systems.

20 Q So I take it from all of that that even though there
21 might be a more ideal structure to shelter the school
22 children and the nursing home residents, still it really
23 isn't necessary to go to that extent?

24 A (WITNESS FAIROW) No.

25 If it was really necessary to go to the extent of

1 moving the people out of that building, we might as well
2 completely evacuate them from the area completely.

3 Q Is the capacity of buildings such as schools and nursing
4 homes to shelter people taken into account when the
5 decision is made whether to shelter or evacuate?

6 A (WITNESS FAIROW) Structurally the adequacy or the
7 ventilation adequacy?

8 Q The ventilation adequacy.

9 A (WITNESS FAIROW) Since we have gone through and gotten
10 all of the instructions for this, we know that they all
11 have the ventilation adequacy; so it -- it isn't a
12 concern.

13 Q I'd like to turn to a different subject now, and that is
14 something that was brought up in yesterday's
15 examination. The subject is the arrangements the towns
16 have made for backup people when the primary people are
17 not available to take telephone calls.

18 To summarize what I remember of your testimony, we
19 were talking about the mayors of towns, we were talking
20 about the chief elected officials in counties, and we
21 were also talking about fire chiefs and sheriffs.

22 But I think the concern was primarily with the
23 smaller towns.

24 Your testimony related that these people are
25 generally available either by telephone or through

1 pagers or, if they're not, that they have alternates who
2 are available.

3 Does this system serve a purpose other than
4 preparedness for a radiological emergency?

5 A (WITNESS FAIROW) The people that respond to a
6 radiological emergency are generally the people who
7 would respond to any type of emergency.

8 Q Can you give us some examples of what those emergencies
9 might be?

10 A (WITNESS FAIROW) Fires, tornadoes, floods, chemical
11 incidents.

12 Q Of the ones that you've mentioned, my own guess would be
13 that fires would probably be the most common.

14 Would that be your judgment?

15 A (WITNESS FAIROW) Yes, I would expect so.

16 Q In your experience, do these towns ever allow themselves
17 not to have anyone available to respond to fires?

18 A (WITNESS FAIROW) No.

19 In one way or another, they cover their area,
20 whether it be by their own personnel or with mutual-aid
21 agreements with other areas or other surrounding
22 communities.

23 Q And do those arrangements also serve to see that someone
24 is available in the event of a radiological emergency?

25 A (WITNESS FAIROW) Yes.

1 MR. FLYNN: Thank you. I have no other
2 questions.

3 JUDGE GROSSMAN: Redirect?

4 MR. EDGAR: Yes.

5 REDIRECT EXAMINATION

6 BY MR. EDGAR:

7 Q Miss Fairrow, yesterday you were asked questions about
8 the radio capabilities for the buses in the EPZ, and you
9 indicated that you were not certain if all had radios.

10 Have you obtained any additional information in
11 that area?

12 A (WITNESS FAIROW) Yes.

13 Buses for the most part do have radios; and in
14 addition, it is common practice -- but also something
15 that would be decided at the time if there was a need --
16 to escort these buses out of the EPZ.

17 That escort would be provided generally by law
18 enforcement personnel.

19 Q You were asked questions about the phone capability at
20 the Essex Elementary School.

21 If indeed the phones at the Essex Elementary School
22 were inoperable, how could the school officials there
23 gain access to the municipal EOC?

24 A (WITNESS FAIROW) The municipal EOC is within
25 approximately three blocks of the school, so that it

1 would be easy to send someone there on foot.

2 Q Earlier yesterday you were asked questions about
3 officials designated under IPRA who might have dual
4 roles within IPRA.

5 How many of these people would occupy dual roles?

6 A (WITNESS FAIROW) As far as dual -- the dual roles
7 being a public official and an official at a
8 recreational area, there are three people that have dual
9 roles of that sort.

10 Q And do you have any plans to talk to those people to
11 assure or to confirm their awareness of those roles?

12 A (WITNESS FAIROW) We have spoken to them about being
13 public officials and officials -- or contact persons at
14 a recreational facility, and we could easily speak to
15 them again regarding that dual role.

16 Q In terms of backups within EOCs, if there are not enough
17 people to provide the functions within a municipal EOC
18 -- or a county EOC, for that matter -- what do the
19 officials in charge of the EOC do?

20 A (WITNESS FAIROW) If neither the official nor the
21 alternate can be contacted, the officials that are
22 present in the EOC would attempt to cover for the
23 official who isn't available.

24 If they need further assistance, they go to the
25 county EOC; and the county will provide additional

1 assistance as necessary.

2 If the county, in turn, needs assistance, they go
3 to the State.

4 Q Now, is there any experience with this situation you've
5 described in regard to Braidwood?

6 A (WITNESS FAIROW) Yes.

7 During the Braidwood exercise in November, the
8 mayor of Essex was not available; and the other
9 officials took over his duties and performed quite
10 adequately.

11 Q Now, similarly, if individuals who are responsible for
12 recreational areas did not have enough people to perform
13 their functions in an emergency, what would they do?

14 A (WITNESS FAIROW) The recreational facilities would
15 contact either the county or municipal LDCs and request
16 assistance from there.

17 Q You were asked questions concerning the situation in
18 which a principal of a given school might also be the
19 superintendent for a series of schools and might be
20 off-site at the time of an emergency.

21 What provisions are made under IPRA for that
22 circumstance?

23 A (WITNESS FAIROW) Whether at the school or at a
24 different location, that principal is responsible for
25 performing the protective action at that school.

1 He has instructions as part of the IPRA SOPs; and
2 he could -- would ensure that those activities in his
3 instructions are performed, whether he would go actually
4 to the school or call the school.

5 Q All right. Earlier today you were asked about
6 discussions or studies that you have done in regard to
7 sheltering capability for schools and nursing homes.

8 Have you done any surveys of sheltering capability
9 at schools and nursing homes?

10 A (WITNESS FAIROW) We have talked to the schools and
11 nursing homes and prepared ventilation checklists to
12 ensure that they can shut down the systems that bring in
13 air from the outside.

14 Q And where are these ventilation checklists to be found?

15 A (WITNESS FAIROW) They are part of each school's
16 instructions contained in SOP-9.

17 Q You were asked questions -- I believe Mr. Butterfield
18 was asked questions about brochure distribution in
19 regard to recreational areas and other special
20 facilities.

21 When you've distributed or made bulk distribution
22 of a brochure to these areas, what instructions, if any,
23 have you given the recipients of the brochure?

24 A (WITNESS BUTTERFIELD) We developed a procedure for the
25 use by the people who delivered these bulk distributions

1 -- or made the bulk distributions.

2 They were instructed to make the distribution to
3 someone of responsibility at each location; to be
4 familiar with this brochure and then discuss the
5 brochure with the responsible individual; encourage
6 them, if they were an employer, to have it available or
7 give it to their employees; understand what it was
8 about.

9 If it was a motel, we asked that they put them in
10 the motel rooms.

11 If it was another type of facility, we would ask
12 them to provide it -- or if it was a recreational area
13 -- provide it in a conspicuous place for people coming
14 in.

15 Q Now, how were the display locations at particular
16 facilities determined?

17 A (WITNESS BUTTERFIELD) They were determined by the
18 individual operators of these facilities.

19 We encouraged them to put them in a conspicuous
20 location.

21 Q And how would the operators know where to put things?

22 A (WITNESS BUTTERFIELD) Well, in our discussion of the
23 usefulness of these brochures, it became -- we tried to
24 impress on them the importance that they be available
25 and, therefore, they should be put where people can --

1 can pick them up, the visitors or the transients.

2 Q Do you believe that the operator of the facility is in
3 the best position to know what the best location is?

4 A (WITNESS BUTTERFIELD) Yes.

5 Q All right. You were asked questions about airborne
6 radioactivity. Judge Callihan asked some later in the
7 day. There were questions about airborne radioactivity
8 and educational information in EBS messages.

9 Have you considered whether additional information
10 concerning airborne radiation might -- of an educational
11 nature might be included in the brochure?

12 A (WITNESS BUTTERFIELD) Yes, I have.

13 Q And what are the results of that consideration?

14 A (WITNESS BUTTERFIELD) I have developed several
15 sentences which could be put into the public brochure of
16 an educational nature.

17 Q And what are those sentences?

18 A (WITNESS BUTTERFIELD) I'm reading from Section 8 of
19 the Braidwood Emergency Information Public Information
20 Brochure.

21 At the end of the last paragraph on that page, I
22 was considering the addition of the following two
23 sentences.

24 Let me start by saying this paragraph discusses if
25 a plant accident were to occur, there would be people

1 that would be getting detailed readings; that if it were
2 expected that it would expose people to more than 1,000
3 millirems off-site, the State would call for protection
4 of the public.

5 I would propose to add the following two sentences:

6 "The most probable form of radiation which would be
7 found beyond the plant boundaries would be contained in
8 a cloud or plume.

9 "This cloud would move in the prevailing wind
10 direction and would dictate the areas for potential
11 shelter or evacuation recommendations."

12 Q Now, are you authorized to commit Commonwealth Edison to
13 include that in the next scheduled issuance of the
14 brochure?

15 A (WITNESS BUTTERFIELD) Yes.

16 Q And will you commit Commonwealth to do that?

17 A (WITNESS BUTTERFIELD) Yes.

18 MR. EDGAR: We have no further questions,
19 your Honor, at this time.

20 JUDGE GROSSMAN: Miss Fairow, would there ever
21 be a recommendation for sheltering in the event that
22 there was no radiological release?

23 WITNESS FAIROW: That is possible.

24 JUDGE COLE: Yesterday Miss Rorem asked you
25 several questions about recreation areas, and on the

1 transcript, at Page 739 and 740 -- I'll just read the
2 question on 739 that Mrs. Rorem asked you: "Could you
3 tell me specifically which recreation areas have sirens
4 which are equipped with this capability?"

5 To that you responded: "It would be easier to tell
6 you the ones that do not." Then you listed three that
7 did not have the public address capability.

8 Now, when you responded with respect to recreation
9 areas, what did you mean by "recreation areas"; all
10 recreation areas or just those operated by local or
11 State or federal governments or what?

12 What did you mean when you answered the question?

13 WITNESS FAIROW: What do we mean in general
14 by "recreational areas"?

15 JUDGE COLE: Yes.

16 WITNESS FAIROW: We covered areas that are
17 used for camping or daytime use. There are State parks
18 identified in the plan. There are city parks with
19 playground-type equipment.

20 It covers a wide variety of recreational-type
21 facilities.

22 JUDGE COLE: For example, one facility that
23 was mentioned once or twice today was the Wilmington
24 Sportsmen's Club.

25 Is that considered a recreation area?

1 WITNESS FAIROW: Yes.

2 JUDGE COLE: So that is equipped with sirens
3 with the PA capability?

4 WITNESS FAIROW: Yes.

5 JUDGE COLE: Okay. The three that you
6 mentioned -- I'll read them off: Forsythe Woods, Godley
7 Park District and the Island Park District in
8 Wilmington.

9 Is that correct?

10 WITNESS FAIROW: Those are the three.

11 JUDGE COLE: Are you familiar with those
12 three recreation areas?

13 WITNESS FAIROW: I have been to two of the
14 three.

15 JUDGE COLE: Could you tell me something
16 about them as to their size and location relative to the
17 nuclear plant at Braidwood?

18 WITNESS FAIROW: Forsythe Woods is about
19 seven miles from the station. It is, I think, mostly
20 picnicking-type activities. It is part of the Will
21 County Forest Preserve system, so the Forest Preserve
22 system has procedures for sending out their Forest
23 Preserve police to provide notification within that
24 area.

25 The Wilmington Island Park District is in downtown

1 Wilmington. It is a playground type with a baseball
2 diamond and swings and playground-type equipment. It is
3 covered by the sirens, the tone -- alert tone sirens
4 that cover the City of Wilmington.

5 JUDGE COLE: How large is the Wilmington
6 Island Park; three baseball fields equivalent in size?

7 WITNESS FAIROW: Total size, I would say
8 probably that.

9 JUDGE COLE: Okay.

10 WITNESS FAIROW: The Godley Park District is
11 very small at present. They have a few pieces of
12 playground equipment and a pavilion. It is within two
13 miles of the station.

14 The Wilmington Island District -- Park District is
15 approximately five to six miles from the station.

16 JUDGE COLE: How large is the Godley Park
17 District facility; about a baseball field size?

18 WITNESS FAIROW: One baseball field.

19 JUDGE COLE: Do each of these facilities have
20 anybody stationed there during the daytime hours?

21 WITNESS FAIROW: The Godley Park District and
22 Wilmington Park District do not, and I don't really know
23 for sure about Forsythe Woods.

24 JUDGE COLE: Okay. Thank you.

25 With respect to sirens with public address

1 capability, how does one utilize the public address
2 capability of these sirens at the recreational areas?

3 WITNESS FAIROW: Usually the panel for
4 activating the sirens are in a sheriff's dispatch area,
5 and they have the instruments there to activate both
6 types of sirens.

7 For the public address sirens, they dial in a
8 certain dial code that activates a particular siren.
9 They can activate the PA capability individually or as a
10 group.

11 JUDGE COLE: So at the location where they
12 activate the warning siren, they could -- they do have
13 the capability to hook in the public address system?

14 WITNESS FAIROW: That's correct if it is an
15 electronic siren. The electronic sirens have the voice
16 capability and the tone capability.

17 JUDGE COLE: Could they then hook in the
18 Emergency Broadcasting System or how would they put a
19 voice across?

20 How is that hooked in?

21 WITNESS FAIROW: There is a microphone there
22 in the sheriff's dispatch center where they would read
23 the pre-scripted message for the PA capability on the
24 sirens.

25 JUDGE COLE: Is that the case with all of

1 those recreation facilities with the public address
2 capability?

3 WITNESS FAIROW: If they are individually
4 activated from that? Is that --

5 JUDGE COLE: Yes.

6 WITNESS FAIROW: Yes.

7 JUDGE COLE: Okay. Thank you.

8 WITNESS FAIROW: I should note that the siren
9 system is still under development, but that will be the
10 case when they are all installed and the systems are
11 operable.

12 JUDGE COLE: That's the plan for the method
13 of operation?

14 WITNESS FAIROW: Correct.

15 JUDGE COLE: All right. Thank you.

16 That's all I have. Thank you very much.

17 JUDGE GROSSMAN: Back to the question of a
18 recommendation for sheltering when there is no actual
19 release, why -- under what circumstances would such a
20 recommendation be made?

21 WITNESS FAIROW: Can I refer that to you?

22 WITNESS P' TTERFIELD: Sure.

23 In the generating station's emergency plan, I
24 believe I said yesterday there is that requirement under
25 a general emergency condition to shelter zero to two

1 miles, shelter two to five and prepare five to ten.

2 That is the immediate reaction to a general
3 emergency which could occur without an off-site release
4 of radiation.

5 JUDGE GROSSMAN: I see. Is that basically on
6 the expectation that there could be an imminent release?

7 WITNESS BUTTERFIELD: Yes.

8 JUDGE GROSSMAN: Okay.

9 JUDGE CALLIHAN: In your experience in
10 warning systems for emergencies in general --
11 specifically, radiological -- what experience have you
12 encountered?

13 What kind of events have you provisioned for
14 announcement for the need of evacuation or whatnot?

15 Have you had any experience locally, to your
16 knowledge?

17 WITNESS FAIROW: I think usually when a siren
18 system is used other than in this case, it would be for
19 a tornado, which wouldn't require an evacuation.

20 But they could also be used in the case of a
21 chemical incident, where an evacuation could be
22 recommended there.

23 JUDGE CALLIHAN: And where there is such,
24 whether it's weather or chemical or transportation or
25 whatnot, in what detail are the characteristics of the

1 event -- postulated event given over the public address
2 system or over the radio system?

3 WITNESS FAIROW: In the event of a tornado,
4 the radio station would be broadcasting a tornado watch
5 or warning, whatever the case would be.

6 Also, if it was some type of chemical incident,
7 information would be provided on the radio, also.

8 JUDGE CALLIHAN: To take the latter for a
9 moment, would, for example, the complete name of the
10 chemical be given in your emergency words?

11 WITNESS FAIROW: I don't think it would need
12 to be. In most cases, it probably wouldn't mean
13 anything to the public.

14 JUDGE CALLIHAN: Can you carry that over to a
15 radiological event and would you consider at all
16 describing in detail, as Mr. Butterfield did for me
17 yesterday, the type of radiation and the radionuclides
18 which might be in the plume?

19 WITNESS FAIROW: For the same reasons, the
20 need for that information isn't really there for the
21 public.

22 They don't understand it, and it would probably
23 serve to confuse and frighten them so much that they
24 wouldn't be able to carry out the directions given by
25 the message.

1 JUDGE CALLIHAN: Are you a proponent,
2 therefore, of some concise statement that there may be
3 or there is a potential hazard and one should evacuate
4 or shelter or whatever with some expedition and let it
5 go at that?

6 WITNESS FAIROW: I think that is what we've
7 strived for, and I think that the general public
8 believes enough in their governmental officials that
9 they will take them at their word that, "If there is an
10 emergency, we should do something about it."

11 JUDGE CALLIHAN: And to go to the extreme,
12 then, you don't recommend including a junior course in
13 health physics in your emergency announcement?

14 WITNESS FAIROW: I don't believe it's
15 necessary.

16 JUDGE CALLIHAN: Coming now to special
17 facilities -- schools and so forth -- are parents or
18 responsible people, people responsible for the
19 well-being of progeny -- are they physically and/or
20 legally barred from going to the location of their
21 children?

22 WITNESS FAIROW: I think it would depend
23 where the children are. I think maybe -- and it also
24 depends on the authorities there.

25 If it, for instance, is a school, the school may

1 have certain policies to discourage, if not forbid,
2 people from picking up their children for, you know,
3 reasons that, for instance, you want to make sure it's a
4 parent that is picking up the child and so forth.

5 JUDGE CALLIHAN: Would some guidance along
6 those lines be included in the radio station
7 announcement?

8 WITNESS FAIROW: There is a statement in the
9 EBS messages that there is no need to go to schools and
10 nursing homes to pick up students because they are being
11 taken care of.

12 JUDGE CALLIHAN: But I thought you said a
13 moment ago that there was a local option as to whether
14 such picking up might be permitted.

15 WITNESS FAIROW: We discourage them, but it is
16 actually the school's decision if a parent does go
17 against our advice and go to the school.

18 JUDGE CALLIHAN: Would your announcement of
19 an impending event -- might your announcement of an
20 impending event direct parents to go to some site if
21 that were the local option?

22 WITNESS FAIROW: Yes. That is -- that could
23 be part of that situation-specific information that
24 could be added to the message.

25 JUDGE CALLIHAN: Does that override your

1 recommendation, the State's recommendation, the
2 brochure's recommendation?

3 WITNESS FAIROW: Well, again I think it
4 depends on the situation, and the messages can be
5 altered to -- to meet the situation.

6 JUDGE CALLIHAN: How are the changes,
7 potential changes, in evacuation routes -- due to
8 weather, road conditions and so forth -- made known to
9 the people to be evacuated or the people doing the
10 evacuating?

11 WITNESS FAIROW: We have designated
12 evacuation routes in the EBS messages; but if for some
13 reason those would need to be changed, that information
14 would be provided through the EBS messages.

15 That would be one type of situation-specific
16 information that might need to be changed.

17 JUDGE CALLIHAN: And is this what -- in my
18 words, at any rate -- might be a supplement to the
19 prescribed statement?

20 WITNESS FAIROW: That's correct. It could be
21 a supplement.

22 WITNESS BUTTERFIELD: Excuse me, Judge.
23 Could I add something to that, please?

24 I looked in the EBS messages here, and I picked one
25 out of 7-SOP-8; and it's the same, I believe, for all of

1 them.

2 At the end of the message, it tells the people in
3 the message where the schools are being relocated to; so
4 it gives them a place where they are going.

5 JUDGE CALLIHAN: What are some of the
6 characteristics of potential sheltering structures that
7 you explored and evaluated in judging if a structure is
8 suitable for sheltering?

9 WITNESS FAIROW: One thing we looked at was
10 if they actually can shut off outside air to the inside.
11 Part of the instructions is to shut windows and doors.

12 Then they vary in detail, but generally it's to
13 shut off air-conditioning systems and heating systems;
14 shut your windows and doors.

15 JUDGE CALLIHAN: Thank you very much.

16 JUDGE GROSSMAN: Miss Rorem, recross?

17 MS. ROREM: Yes.

18 RE CROSS EXAMINATION

19 BY MS. ROREM:

20 Q Miss Fairow, you stated that you wouldn't go to the
21 trouble to move school children in a -- to a building
22 which might be more suitable for sheltering, and you
23 responded that you may as well go to the trouble to
24 evacuate completely.

25 Is that true?

1 A (WITNESS FAIROW) Yes.

2 Q Could you tell me why -- in what way going to the
3 trouble to move children to another building in the same
4 town is as difficult as evacuating them completely?

5 A (WITNESS FAIROW) I don't think it's a matter of
6 difficulty.

7 It -- when we shelter-in-place, we shut down
8 systems bringing in outside air so that the airborne
9 contamination doesn't get inside the building.

10 If there is that contamination and there is a need
11 to move them to a different building, then we are
12 exposing them.

13 So they're better off being in a building where all
14 the ventilation systems are shut down than to be moved
15 to another building.

16 Q If a take-shelter action has been set in motion and
17 there is no radiological release and it is a situation
18 -- well, all right -- and there's no radiological
19 release, would you be endangering children if you moved
20 them to another location?

21 A (WITNESS FAIROW) If there is not a release, no.

22 Q Okay. If there is not a release but there is a
23 take-shelter warning and evacuation is actually not
24 recommended because of the fact that it is a
25 quick-developing radiological situation, would you be

1 putting them to the same trouble if you moved them to
2 another location as if you completely evacuated them?

3 A (WITNESS FAIROW) I'm not sure I understand the
4 question.

5 MS. ROREM: I'm not sure to what extent I can
6 say some of this because it's falling outside the
7 premise of what she said in her cross examination.

8 JUDGE GROSSMAN: Well, no. This was reopened
9 by me and the Board questioning.

10 But it's my understanding, from the testimony that
11 we heard, that if there is no actual release, there is
12 the imminence of a release and those are -- that's a
13 situation in which sheltering would be recommended in
14 the event there is no release.

15 Apparently the concept is that because of the
16 imminence of a release, there should not be removal to
17 another shelter.

18 Now, if that's incorrect in any way, please let us
19 know right now.

20 Is that a correct understanding of why you would
21 not recommend removal to another shelter when there is a
22 sheltering recommendation made?

23 WITNESS FAIROW: That's correct.

24 MS. ROREM: Okay.

25 BY MS. ROREM:

1 Q Does where the location of a facility which might be a
2 better location for shelter matter?

3 A (WITNESS FAIROW) Not really.

4 Q For example, if it were merely a matter of moving 50
5 children across the street to another location, it would
6 not -- it would not be recommended?

7 A (WITNESS FAIROW) Again, that's a determination that's
8 going to have to be made on a case-by-case basis.

9 It -- there are a lot of factors that would enter
10 in.

11 Q But if there was no release and none were expected for
12 some time, would it make a difference?

13 A (WITNESS FAIROW) If none -- if no release was expected
14 for some time, I suppose you could go across the street
15 50 feet.

16 Q And would this be more -- less trouble than evacuating
17 completely?

18 A (WITNESS FAIROW) If there is -- if you know there is a
19 period of time before that release occurs, you'd have
20 time to evacuate.

21 JUDGE GROSSMAN: Miss Rorem, I think you're
22 passing each other in the night here.

23 I think you are assuming that the staff of that
24 facility would not in any event shelter the students
25 across the street.

1 I believe that the witness does not understand that
2 premise; that when there is -- it's my understanding
3 that she's saying when there is a sheltering
4 recommendation, that the staff of the school might well
5 shelter the children in the facility across the street.

6 Is that a correct understanding?

7 WITNESS FAIROW: They may choose to do that
8 if -- if there is no release occurring.

9 MS. ROREM: Fine. Then she agrees with what
10 I was trying to ask.

11 MR. EDGAR: The record will speak for itself,
12 I think.

13 JUDGE GROSSMAN: Pardon?

14 MR. EDGAR: I think the record will speak for
15 itself.

16 JUDGE GROSSMAN: Yes.

17 Okay. It was my observation that your questions
18 were asked on the assumption that the staff of a school
19 or any other facility could not itself take the
20 residents or the inhabitants of that facility to
21 anyplace other than that facility itself.

22 But if I was incorrect, then the record will speak
23 for itself.

24 MS. ROREM: That's fine, then.

25 BY MS. ROREM:

1 Q When you discussed adequately shutting down ventilation
2 systems, does it matter -- does the amount of draft that
3 can come through windows or ventilation systems make any
4 difference?

5 A (WITNESS FAIROW) Make any difference to what?

6 Q To whether or not a facility can be adequately protected
7 or whether it can adequately shelter people inside.

8 A (WITNESS FAIROW) I suppose if there were cracks in the
9 windows where air could come through, it would be a
10 problem.

11 Q What if there were cracks in the -- I'm not talking
12 about cracks in the glass but drafts around a window
13 area.

14 Then even with the windows shut, radioactive
15 contamination, airborne particulates, could come through
16 the window; correct?

17 A (WITNESS FAIROW) I suppose so.

18 Q And when you did your evaluation of all of the schools
19 in the EPZ and nursing homes, did you look at the -- did
20 you do a site-specific determination of the adequacy of
21 the air ingress for each structure?

22 A (WITNESS FAIROW) For the most part, we talked to the
23 janitorial-type people who are familiar with the furnace
24 and that type of thing and discussed with them, you
25 know, what our aim was to make sure they understood why

1 we were looking for the specific information.

2 Q Did you ask about air drafts around windows?

3 A (WITNESS FAIROW) I don't know that for sure.

4 Q And the shelter capabilities of those structures varied
5 individually; right?

6 WITNESS FAIROW: Could I have that question
7 read back?

8 (The question was thereupon read by the
9 Reporter.)

10 A (WITNESS FAIROW) The sheltering capability, as far as
11 structurally, may vary; but that isn't something we were
12 concerned with.

13 We were concerned with ensuring that we wrote down
14 instructions for shutting down furnaces,
15 air-conditioning, windows, that type of thing.

16 MS. ROREM: Okay.

17 BY MS. ROREM:

18 Q You stated that in small communities, it was always the
19 case that someone would respond to fires; is this
20 correct?

21 A (WITNESS FAIROW) I believe I said someone would always
22 respond whether from that community or through a
23 mutual-aid agreement.

24 Q But that "someone" is not necessarily one of the people
25 who is responsible under IPRA for implementation of

1 duties?

2 A (WITNESS FAIROW) You're asking me if whoever responds
3 to a fire is -- is responsible in some way under IPRA?

4 Q What I'm saying is that the person who responds is not
5 necessarily someone who is responsible under IPRA.

6 A (WITNESS FAIROW) Not in every case.

7 Q Okay. When speaking of officials who have dual roles,
8 you said -- you identified three.

9 Were those -- was that three in the entire EPZ?

10 A (WITNESS FAIROW) Three in the entire EPZ that have a
11 dual role as a public official and as a contact person
12 for a recreational facility.

13 Q Could you tell me where those three people are located?

14 A (WITNESS FAIROW) One of the persons serves as the fire
15 chief and as ESDA coordinator in Braidwood. He's also
16 our contact person for the Braidwood Recreational Club.

17 The other two are from the Village of Essex.

18 One is the mayor of Essex. He also serves as the
19 manager, I believe, of the South Wilmington Sportsmen's
20 Club.

21 The other is the fire chief of Essex, who serves as
22 the maintenance manager at the South Wilmington
23 Sportsmen's Club.

24 Q You were asked about what responsible officials in the
25 recreation areas would do in terms of calling in and so

1 forth.

2 What about the recreational areas where no one is
3 in charge?

4 A (WITNESS FAIROW) The municipality or the county would
5 send some type of emergency personnel out there to
6 assist those people in the area to ensure that they are
7 being evacuated from the area.

8 Q Have you identified the areas where there is no one in
9 charge on an everyday basis?

10 A (WITNESS FAIROW) I believe we have.

11 But regardless of our identification, at the time
12 of an incident, that -- each recreational facility will
13 be called by a governmental official.

14 If they cannot reach someone by phone, an emergency
15 response person will be sent to the location.

16 Q Judge Callihan asked you about other events which might
17 require implementation of the EBS system and asked
18 whether educational information would be included on
19 messages in those circumstances.

20 Are any of those circumstances which may occur
21 discussed in any other educational format?

22 A (WITNESS FAIROW) Do you mean such as a brochure?

23 Q Is information -- is educational information included
24 in, for example, the school system on what happens in a
25 tornado?

1 A (WITNESS FAIROW) Just recently -- I believe last week
2 was Tornado Awareness Week, and information was provided
3 to the media so that they could broadcast information.

4 Some schools performed their own tornado drills,
5 and our agency and the ESDA agencies at the county level
6 go out and do programs as requested on tornadoes.

7 Q And information on the nature of an accident was
8 included in this Tornado Awareness Week, was it not?

9 A (WITNESS FAIROW) Information regarding tornadoes and
10 what to do in the event of tornadoes were in materials
11 that were distributed.

12 Q Were children also told what a tornado is and how it
13 acts?

14 A (WITNESS FAIROW) It is possible.

15 Q Is there anything comparable to informing school
16 children about the nature of a radiological accident?

17 MR. EDGAR: Objection. Now we're getting
18 into a section -- a subject which was not covered in
19 redirect; that is, educational programs in schools
20 concerning Braidwood emergency planning.

21 It's outside the scope of redirect.

22 JUDGE GROSSMAN: Well, it is my recollection
23 that the questions by Judge Callihan related to only the
24 EBS messages, but nevertheless I think we can get the
25 final answer here on this area.

1 Miss Fairrow?

2 WITNESS FAIROW: Could I have the question
3 read back, please?

4 (The question was thereupon read by the
5 Reporter.)

6 A (WITNESS FAIROW) There are no programs that we have
7 put on for school children in particular that I am aware
8 of.

9 WITNESS BUTTERFIELD: I would like to add
10 that Commonwealth Edison has a public speaking bureau
11 that goes out and makes -- or has programs available to
12 go to schools, other organizations or whatever and talk
13 about our nuclear power activities.

14 If questions come up concerning accidents, they
15 would probably be answered at that time.

16 Now, this is offered. If anyone takes advantage of
17 it, that's their privilege.

18 MS. ROREM: I have no further questions.
19 Thank you.

20 JUDGE GROSSMAN: Mr. Flynn?

21 MR. FLYNN: I have no further questions.

22 JUDGE GROSSMAN: Mr. Edgar?

23 MR. EDGAR: No further questions, your Honor.

24 JUDGE GROSSMAN: Does that, Mr. Edgar,
25 complete your case?

1 MR. EDGAR: That's correct.

2 JUDGE GROSSMAN: Okay. I believe that you
3 have -- that all of your exhibits have been admitted.

4 MR. EDGAR: Yes, sir.

5 JUDGE GROSSMAN: Fine.

6 Mr. Flynn, I believe you've completed your case,
7 too, with your witnesses; is that correct?

8 MR. FLYNN: That's correct.

9 JUDGE GROSSMAN: Okay.

10 Miss Rorem, then it's your case in chief now -- oh,
11 I'm sorry.

12 (Laughter.)

13 The witnesses are excused. Thank you very much for
14 your testimony.

15 (Witnesses excused.)

16 MS. ROREM: Mr. Grossman, I regret to say
17 that the witness whom I wished to have served with a
18 subpoena has remained out of town and could not be
19 contacted.

20 JUDGE GROSSMAN: I hope not because of the
21 imminence of your service of the subpoena.

22 Nevertheless, I take it, then, you have no further
23 case.

24 MS. ROREM: I have no further case at this
25 time.

1 JUDGE GROSSMAN: Fine.

2 Mr. Edgar?

3 MR. EDGAR: I have a few logistics matters
4 that I'd like to bring up if this is the right time.

5 JUDGE GROSSMAN: Yes, certainly.

6 I was only going to say that we would follow the
7 rules as far as briefing goes, unless there's any
8 objection.

9 MR. EDGAR: That was one thing. We don't
10 have any problem with that at all.

11 We are considering filing early, and we wouldn't
12 have a problem with that if we could maintain the
13 intervals constant, you know, between people's filings.

14 We would pay the penalty, but everybody else would
15 keep their response intervals constant.

16 JUDGE GROSSMAN: I forget now what the rules
17 say, and I intended to look at it.

18 But is it based -- are intervenors and staff
19 responses based on service of your initial proposal?

20 MR. EDGAR: I believe so, but let me confirm
21 it. I don't want to -- I have the same problem you do:
22 I haven't looked in a while.

23 The intervals are based on the date of close of the
24 record, to be accurate. Everybody --

25 JUDGE GROSSMAN: Yes, but what I was saying

1 is: After your response has been filed, do the
2 subsequent -- or your proposed findings, do the
3 subsequent filings depend upon service of yours?

4 MR. EDGAR: I -- I can't say that's true,
5 your Honor.

6 As I -- I'm perhaps reading it literally, but let
7 me -- I just lost it.

8 JUDGE GROSSMAN: Sure.

9 Why don't we take a --

10 MR. EDGAR: Here it is. The Applicant files
11 30 days after the record is closed. Then the other
12 parties file within 40 days, and the staff files within
13 50 days. Then there's a five-day reply.

14 JUDGE GROSSMAN: So they do not depend on
15 your filing?

16 MR. EDGAR: No, sir, but that's -- you know,
17 they need mine to respond.

18 JUDGE GROSSMAN: Yes, okay.

19 If you want to informally get any commitment, I
20 think you can attempt to; but I'm sure no one -- at
21 least, the next one is not going to come in in any
22 shorter time than the rules provide, so we will follow
23 the rules as far as this goes.

24 MR. EDGAR: Well, the reason I'm suggesting
25 it -- and I think there is a good reason -- is the Board

1 has a much larger set of hearings in front of it.

2 We thought if we would be willing to take the
3 burden of filing quickly, that would put the case in a
4 package and give the Board and the parties the freedom
5 to then meet the larger question, and we think it makes
6 sense.

7 I would like to urge the Board to consider that
8 from -- it's gratuitous in a sense, but I think it makes
9 some practical sense in the overall reach of this case.

10 JUDGE GROSSMAN: The Board agrees with that,
11 and we'd like to hear from the other parties as to
12 whether they would be amenable to having the time
13 shortened, with the understanding that they would have
14 at least as much time from your filing --

15 MR. EDGAR: Right.

16 JUDGE GROSSMAN: -- as they would under the
17 rules.

18 First, Mr. Treby?

19 MR. TREBY: The staff does not concur with
20 that suggestion. The staff is not going to be awaiting
21 the Applicant's proposed findings before it begins its
22 proposed findings.

23 On the other hand, unlike the Applicant, we do not
24 have two separate law firms taking the two separate
25 portions of this case.

1 The same people who are working on this matter for
2 the staff are also busily involved in discovery
3 activities and other activities which are going on in
4 the QA area.

5 The staff would like what the regulations require;
6 that is, the 50 days in which to file its proposed
7 findings.

8 MS. ROREM: Could you explain the mechanics
9 of this a little more so I am aware of exactly what is
10 happening?

11 JUDGE GROSSMAN: Oh, okay.

12 Actually, I think it's academic now because I don't
13 think that we're going to change the rules.

14 Under the rules, when the record is closed,
15 Applicant has 40 days to file its --

16 JUDGE COLE: 30.

17 JUDGE GROSSMAN: 30 days -- I'm sorry -- to
18 file its proposed findings.

19 You would then have -- you would have 40 days from
20 the closing of the record, which means 10 days after
21 Applicant; and staff would have 50 days.

22 The question before us was Mr. Edgar had suggested
23 shortening his time from 30 days to something other than
24 that, and we were inquiring whether then the other
25 parties would also agree to shortening their time, with

1 the understanding that they would have Mr. Edgar's
2 filing earlier.

3 But the point is staff still wants the 50 days for
4 the good reasons that Mr. Treby has stated, and
5 presumably you would, too. So we're not going to --

6 MS. ROREM: Okay.

7 JUDGE GROSSMAN: -- arrange for anything
8 else.

9 Now, the only question is when we close the record,
10 and we're definitely going to close it on this issue
11 notwithstanding that we have the Quality Assurance
12 issues before us.

13 I would assume that we would close the record when
14 we expect the transcript to come in if it is mailed out
15 to us or by -- why don't we agree on Monday?

16 Is that agreeable to staff or is there any reason
17 why the record should be closed any sooner or later than
18 that?

19 MR. TREBY: I believe the record can be
20 closed now. We've heard all the witnesses, and I don't
21 see what the need to wait for --

22 MR. EDGAR: We'll accept that.

23 MR. TREBY: -- anything further.

24 I would like to make one other comment, since we
25 were talking about the proposed findings.

1 Unfortunately, I don't know the name of the case,
2 but I think there has been some case law that failing to
3 file proposed findings carries certain penalties with
4 that.

5 JUDGE GROSSMAN: I didn't hear the last part.
6 I'm sorry.

7 MR. TREBY: Failure to file proposed findings
8 carries certain penalties with it. I would like to
9 indicate that on the record.

10 JUDGE GROSSMAN: Okay, fine.

11 You're put on notice, Miss Rorem, as to what Mr.
12 Treby has suggested: When it's due, it's due.

13 If that's a paraphrase of Yogi Berra, I don't know.

14 (Laughter.)

15 I see no reason why we shouldn't close the record
16 now, especially since Mr. Edgar, who is up first, is
17 willing to shorten his time.

18 So we'll consider it closed, unless there's any
19 further business with regard to this.

20 MR. EDGAR: I have two items.

21 I assume that the record is closed. Also, the
22 parties can file motions to correct the transcript,
23 presumably.

24 JUDGE GROSSMAN: Yes.

25 MR. EDGAR: The second thing: I've been

1 asked to inquire of the Board whether the Board has any
2 thoughts as to where, in terms of location, the QA
3 hearings will be held.

4 Commonwealth is trying to do some planning. If the
5 Board has any advice in terms of location, it would be
6 greatly appreciated.

7 JUDGE GROSSMAN: We have not yet found a
8 place.

9 We have attempted to, and we've even discussed it
10 this week. We started a few weeks ago.

11 Presumably, the location would be in Joliet, but we
12 just don't know where in Joliet.

13 JUDGE COLE: It might very well be that all
14 the principal parties might be in the Chicago area, so
15 we might not exclude that.

16 JUDGE GROSSMAN: Miss Rorem, do you object to
17 doing it that way?

18 MS. ROREM: Yes, because I'd like an
19 opportunity to discuss it with my attorneys in the
20 matter.

21 JUDGE GROSSMAN: Sure.

22 JUDGE COLE: I was just saying that the
23 lawyers representing the parties would be in the Chicago
24 area, so we certainly wouldn't want to exclude it,
25 although, all other things being equal, Joliet would be

1 the place to conduct the hearings because of its
2 proximity to the plant.

3 MR. TREBY: In the search for a location, the
4 staff would respectfully request that we have facilities
5 so that each of the parties have their own separate
6 area.

7 While we don't mind sharing some area with Miss
8 Rorem during this hearing, we expect that there will be
9 a number of other counsel involved in the QA thing.

10 Just the logistics of having the various papers and
11 necessary support staff and attorneys would require that
12 each party have its own counsel table.

13 JUDGE GROSSMAN: We've done the best we can.

14 MR. TREBY: We appreciate that.

15 JUDGE GROSSMAN: There's one other item with
16 regard to this particular hearing.

17 There's one exhibit, Miss Rorem, that you
18 identified but did not move into evidence.

19 I believe it's already part of something that is in
20 the record; is that correct?

21 It's the Final Environmental Statement.

22 Do we have that?

23 MR. EDGAR: Your Honor, I don't believe that
24 the Final Environmental Statement is in this record.
25 There weren't any environmental contentions, and this

1 was used only for cross examination.

2 JUDGE GROSSMAN: Well, is there any reason why
3 you want this in the record, Miss Rorem?

4 MS. ROREM: I believe that the line of
5 questioning I was attempting to develop had been stepped
6 on --

7 (Laughter.)

8 -- so to speak, and I don't think it's relevant.

9 JUDGE GROSSMAN: That's fine. I just wanted
10 to point it out to you.

11 Okay. That apparently concludes all the business
12 that we have with regard to this hearing.

13 The record is then closed, and the next time we see
14 any of the parties will be at the next hearing with
15 Quality Assurance.

16 (Which were all the proceedings had and
17 testimony taken in the above-entitled
18 matter at the time and place aforesaid.)

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CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings before the UNITED STATES NUCLEAR REGULATORY COMMISSION in the matter of:

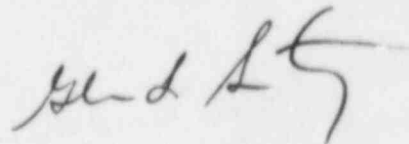
NAME OF PROCEEDING: COMMONWEALTH EDISON COMPANY
(Braidwood Station, Units 1 and 2)

DOCKET NO.: 50-456 OL; 50-457 OL

PLACE: JOLIET, ILLINOIS

DATE: WEDNESDAY, MARCH 12, 1986

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission.



(sig) _____

(TYPED) Glenn L. Sonntag
Nancy J. Hobb

Official Reporter

Reporter's Affiliation